

Cynthia Ellison

April 27, 2006

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IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA - NORTHERN DIVISION

CYNTHIA ELLISON,

Plaintiff,

vs.

CASE NO. 205CV902MHTDRB

AUBURN UNIVERSITY  
MONTGOMERY,

Defendants.

~~~~~

DEPOSITION OF

CYNTHIA ELLISON

April 27, 2006  
9:30 a.m.

McPhillips, shinbaum & gill, LLP  
516 South Perry Street  
Montgomery, Alabama

Dawn A. Goodman, Certified Shorthand Reporter and  
Notary Public in and for the State of Alabama at Large

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|--------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| 1 <b>APPEARANCES</b>                                         | 1 <i>A. It is.</i>                                                                                                                           |
| 2                                                            | 2 <i>Q. Is she married?</i>                                                                                                                  |
| 3 <b>FOR THE PLAINTIFF:</b>                                  | 3 <i>A. No. She is not.</i>                                                                                                                  |
| 4 <b>MCPHILLIPS, SHINBAUM &amp; GILL, LLP</b>                | 4 <i>Q. Who is your former husband?</i>                                                                                                      |
| 5 <b>KAREN S. RODGERS, ESQUIRE</b>                           | 5 <i>A. Terrell Ellison.</i>                                                                                                                 |
| 6 <b>516 S. Perry Street</b>                                 | 6 <i>Q. What does he do?</i>                                                                                                                 |
| 7 <b>Montgomery, Alabama 36101</b>                           | 7 <i>A. He is a full-time pastor.</i>                                                                                                        |
| 8                                                            | 8 <i>Q. Is that in Montgomery as well?</i>                                                                                                   |
| 9 <b>FOR THE DEFENDANT:</b>                                  | 9 <i>A. It is.</i>                                                                                                                           |
| 10 <b>FISHER &amp; PHILLIPS, LLP</b>                         | 10 <i>Q. What church is he with?</i>                                                                                                         |
| 11 <b>BURTON F. DODD, ESQUIRE</b>                            | 11 <i>A. New Life Church of God and Christ.</i>                                                                                              |
| 12 <b>1500 Resurgens Plaza</b>                               | 12 <i>Q. Did you and Terrell only have one child?</i>                                                                                        |
| 13 <b>945 East Paces Ferry Road</b>                          | 13 <i>A. We have one living child. I had a stillborn child.</i>                                                                              |
| 14 <b>Atlanta, Georgia 30326-1125</b>                        | 14 <i>Q. Any other family? Do you have any other family in this part of Alabama?</i>                                                         |
| 15                                                           | 15 <i>A. No. I have no family in Montgomery.</i>                                                                                             |
| 16 <b>ALSO PRESENT:</b>                                      | 16 <i>Q. Do you have any family in the surrounding counties of Montgomery?</i>                                                               |
| 17 <b>DEBRA FOSTER</b>                                       | 17 <i>A. I do not.</i>                                                                                                                       |
| 18                                                           | 18 <i>Q. We can get a few preliminaries out of the way. This is the Deposition of Cynthia Ellison taken pursuant to Notice and Agreement</i> |
| 19                                                           | 19                                                                                                                                           |
| 20                                                           | 20                                                                                                                                           |
| 21                                                           | 21                                                                                                                                           |
| 22                                                           | 22                                                                                                                                           |
| 23                                                           | 23                                                                                                                                           |
| 24                                                           | 24                                                                                                                                           |
| 25                                                           | 25                                                                                                                                           |
| 1 <i>Deposition of Cynthia Ellison</i>                       | 1 <i>of Counsel in the case of Ellison versus Auburn University Montgomery.</i>                                                              |
| 2 <i>April 27, 2006</i>                                      | 2                                                                                                                                            |
| 3 <b>EXAMINATION</b>                                         | 3 <i>Ms. Ellison, have you been deposed before?</i>                                                                                          |
| 4 <b>BY-MR.DODD:</b>                                         | 4                                                                                                                                            |
| 5 <b>MR. DODD: Q. What's your name?</b>                      | 5 <i>A. I have.</i>                                                                                                                          |
| 6 <b>A. Cynthia Ellison.</b>                                 | 6 <i>Q. How many times have you been deposed?</i>                                                                                            |
| 7 <b>Q. Where do you live, Ms. Ellison?</b>                  | 7                                                                                                                                            |
| 8 <b>A. I live at 1598 Sandstone Court</b>                   | 8                                                                                                                                            |
| 9 <b>here in Montgomery, Alabama.</b>                        | 9                                                                                                                                            |
| 10 <b>Q. How long have you lived there?</b>                  | 10                                                                                                                                           |
| 11 <b>A. About five years.</b>                               | 11                                                                                                                                           |
| 12 <b>Q. I understand you are divorced, is that correct?</b> | 12                                                                                                                                           |
| 13 <b>A. That's correct.</b>                                 | 13                                                                                                                                           |
| 14 <b>Q. You have one child?</b>                             | 14                                                                                                                                           |
| 15 <b>A. I do.</b>                                           | 15                                                                                                                                           |
| 16 <b>Q. That's Courtnei?</b>                                | 16                                                                                                                                           |
| 17 <b>A. Courtnei.</b>                                       | 17                                                                                                                                           |
| 18 <b>Q. How old is Courtnei?</b>                            | 18                                                                                                                                           |
| 19 <b>A. Courtnei is 22.</b>                                 | 19                                                                                                                                           |
| 20 <b>Q. What does she do?</b>                               | 20                                                                                                                                           |
| 21 <b>A. She's an HR recruiter at Colonial</b>               | 21                                                                                                                                           |
| 22 <b>Bank.</b>                                              | 22                                                                                                                                           |
| 23 <b>Q. Is Colonial Bank here in</b>                        | 23                                                                                                                                           |
| 24 <b>Montgomery?</b>                                        | 24                                                                                                                                           |
| 25                                                           | 25                                                                                                                                           |

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|----|------------------------------------------------|-------------------------------------------------|
| 1  | A. No.                                         | 1 Q. Are these documents that were in           |
| 2  | Q. Did Dillard's blame you for the             | 2 your control?                                 |
| 3  | overcharge?                                    | 3 A. Yes.                                       |
| 4  | A. No.                                         | 4 Q. Okay. These are documents you              |
| 5  | Q. Do you still work at Dillard's?             | 5 have given to your lawyer, correct?           |
| 6  | A. No. I left Dillard's.                       | 6 A. Correct.                                   |
| 7  | Q. Why did you leave?                          | 7 Q. Other than your lawyer, did you            |
| 8  | A. I took a full-time job.                     | 8 talk to anyone to prepare for this            |
| 9  | Q. You understand you are under oath           | 9 deposition?                                   |
| 10 | to tell the truth in this deposition?          | 10 A. I did not.                                |
| 11 | A. I do understand that.                       | 11 Q. Do you have any medical condition         |
| 12 | Q. If you don't understand a question          | 12 that would prevent you or hinder you in      |
| 13 | that I ask you, will you let me know so I      | 13 answering any of the questions I ask you     |
| 14 | can try to rephrase it so that you will        | 14 today?                                       |
| 15 | understand it?                                 | 15 A. No, sir.                                  |
| 16 | A. I will do that.                             | 16 Q. Are you involved in any community         |
| 17 | Q. If you don't hear the entire                | 17 activities?                                  |
| 18 | question that I ask you, would you let me      | 18 A. Just church-related activities.           |
| 19 | know so that I can repeat it for you?          | 19 Q. Church related?                           |
| 20 | A. I will.                                     | 20 A. Uh-huh.                                   |
| 21 | Q. If you need to take a break or              | 21 Q. What church do you attend?                |
| 22 | recess, just let me know and we will get to    | 22 A. Harris Temple Church of God and           |
| 23 | a stopping point as soon as we can. Is that    | 23 Christ in Elba, Alabama.                     |
| 24 | okay?                                          | 24 Q. Are you on the vestry, or do you          |
| 25 | A. Okay.                                       | 25 hold an office in the church?                |
|    | Page 7                                         | Page 9                                          |
| 1  | Q. During the course of the                    | 1 A. I am a member of the Board of              |
| 2  | deposition, which probably will go on for      | 2 Trustees, and I am the Church Secretary. And  |
| 3  | several hours, if you remember something, say, | 3 I work with the youth and Sunday School.      |
| 4  | later in the deposition that means you should  | 4 Q. Are there any other church-related         |
| 5  | change an answer that you previously gave in   | 5 activities that you participate in?           |
| 6  | order to make it truthful, will you let me     | 6 A. From time to time when something           |
| 7  | know that?                                     | 7 comes up I may volunteer for a particular     |
| 8  | A. Yes, I will.                                | 8 activity.                                     |
| 9  | Q. Did you review anything to prepare          | 9 Q. An example of that would be                |
| 10 | for this deposition?                           | 10 something like a youth outing?               |
| 11 | A. I talked to my attorney and prayed          | 11 A. Youth outing, or we have what we          |
| 12 | about coming in here.                          | 12 call District Conferences. I would volunteer |
| 13 | Q. Did you look at any documents?              | 13 to do whatever the function called for. It   |
| 14 | A. I looked at the production                  | 14 may be providing food. It may be             |
| 15 | materials.                                     | 15 transportation. Whatever I think I can do.   |
| 16 | Q. Are those the documents that your           | 16 Q. You weren't in the military               |
| 17 | lawyer sent to me, the ones you gave your      | 17 service, were you?                           |
| 18 | lawyer?                                        | 18 A. No, I was not.                            |
| 19 | A. I have no idea.                             | 19 Q. Do you have any relatives currently       |
| 20 | Q. Give me an idea of what documents           | 20 working at Auburn University Montgomery?     |
| 21 | they were.                                     | 21 A. No.                                       |
| 22 | A. Well, my affidavit.                         | 22 Q. Did you have any relatives                |
| 23 | Q. Okay.                                       | 23 previously working there?                    |
| 24 | A. And the -- I believe the EEOC               | 24 A. No. I'm sorry. My daughter                |
| 25 | charge.                                        | 25 worked there.                                |

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|    | Page 10                                           | Page 12                                         |
|----|---------------------------------------------------|-------------------------------------------------|
| 1  | <i>Q. Courtney?</i>                               | 1 problems?                                     |
| 2  | <i>A. Before she graduated she worked</i>         | 2 A. No.                                        |
| 3  | <i>there, yes.</i>                                | 3 Q. Other than the rheumatoid arthritis        |
| 4  | <i>Q. What did she do there?</i>                  | 4 and osteoarthritis, do you have any other     |
| 5  | <i>A. She was a student assistant for</i>         | 5 medical conditions?                           |
| 6  | <i>the Center for Business.</i>                   | 6 A. Not that I know of.                        |
| 7  | <i>Q. Was she a work study student?</i>           | 7 Q. Do those conditions restrict your          |
| 8  | <i>A. No.</i>                                     | 8 activities in any way?                        |
| 9  | <i>Q. She had a job?</i>                          | 9 A. Sometimes.                                 |
| 10 | <i>A. Uh-huh.</i>                                 | 10 Q. Can you give me an example?               |
| 11 | <i>Q. Who is Faye Ward?</i>                       | 11 A. Well, the condition -- the                |
| 12 | <i>A. Faye Ward was the Assistant</i>             | 12 rheumatoid is in the shoulders and the       |
| 13 | <i>Director of Human Resources.</i>               | 13 wrists. So sometimes I am not able to pick   |
| 14 | <i>Q. Are you related to her at all?</i>          | 14 items up. It doesn't matter how heavy or     |
| 15 | <i>A. I am not.</i>                               | 15 how light they are. The osteo, of course,    |
| 16 | <i>Q. Did Faye Ward give you any</i>              | 16 prevents me sometimes from getting up right  |
| 17 | <i>information about this case?</i>               | 17 away in the mornings.                        |
| 18 | <i>A. She did not.</i>                            | 18 Q. Forgive my ignorance. Is                  |
| 19 | <i>Q. Do you know if Faye Ward gave your</i>      | 19 osteoarthritis a back --                     |
| 20 | <i>lawyer, or anybody else, information about</i> | 20 A. Well, actually it's bones.                |
| 21 | <i>this case?</i>                                 | 21 Q. Okay. Do you attribute either of          |
| 22 | <i>A. She did give my lawyer an</i>               | 22 those conditions to work-related issues?     |
| 23 | <i>affidavit statement.</i>                       | 23 A. I do not. The doctors think that          |
| 24 | <i>Q. Do you know who prepared that</i>           | 24 the rheumatoid was contracted from the many  |
| 25 | <i>affidavit?</i>                                 | 25 chemotherapy drugs that I was on for my      |
|    | Page 11                                           | Page 13                                         |
| 1  | <i>A. My attorney and Faye, I guess.</i>          | 1 cancer surgery. After my cancer surgery       |
| 2  | <i>Q. Did you ask Faye to give you any</i>        | 2 because that was one of the side effects.     |
| 3  | <i>documents --</i>                               | 3 Q. Your answer is "no"?                       |
| 4  | <i>A. I did not.</i>                              | 4 A. No.                                        |
| 5  | <i>Q. -- related to this case?</i>                | 5 Q. Have you had any psychological or          |
| 6  | <i>A. No, sir.</i>                                | 6 psychiatric difficulties in the past?         |
| 7  | <i>Q. Did Faye Ward volunteer to give</i>         | 7 A. I have not.                                |
| 8  | <i>you any documents related to this case?</i>    | 8 Q. When did you resign from Dillard's?        |
| 9  | <i>A. She did not give me any documents.</i>      | 9 A. I believe my effective date was            |
| 10 | <i>Q. Do you know if she gave anybody</i>         | 10 February -- the last day of February because |
| 11 | <i>any documents, other than the affidavit?</i>   | 11 I started my new job March 1st.              |
| 12 | <i>A. I do not know.</i>                          | 12 Q. Of what year?                             |
| 13 | <i>Q. Do you have any current medical</i>         | 13 A. This year.                                |
| 14 | <i>problems?</i>                                  | 14 Q. Where was the Dillard's location          |
| 15 | <i>A. I do.</i>                                   | 15 where you worked?                            |
| 16 | <i>Q. What do you have?</i>                       | 16 A. Eastdale Mall.                            |
| 17 | <i>A. I have rheumatoid arthritis and</i>         | 17 Q. East what?                                |
| 18 | <i>osteoarthritis.</i>                            | 18 A. Eastdale, E-a-s-t-d-a-l-e, Mall.          |
| 19 | <i>Q. Are you getting treatment for those</i>     | 19 Q. And who was your supervisor there?        |
| 20 | <i>conditions?</i>                                | 20 A. We -- the last one that was there         |
| 21 | <i>A. Yes, I am.</i>                              | 21 was Amy Lyda, L-y-d-a.                       |
| 22 | <i>Q. Do you have any current</i>                 | 22 Q. Do you know the name of the HR            |
| 23 | <i>psychological problems?</i>                    | 23 representative at Dillard's?                 |
| 24 | <i>A. I do not.</i>                               | 24 A. I don't. I don't think they have          |
| 25 | <i>Q. Do you have any current emotional</i>       | 25 one on site.                                 |

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|----|-----------------------------------------------|----|-----------------------------------------------|
| 1  | <i>Q.</i> Do you know who the general         | 1  | <i>A.</i> Probably about 12. Anywhere from    |
| 2  | manager of that Dillard's was?                | 2  | 12 to 15 a week, if that many. And they       |
| 3  | <i>A.</i> Chris Decote.                       | 3  | would call me in if people were out.          |
| 4  | <i>Q.</i> Can you help me with that?          | 4  | <i>Q.</i> When would you say that the change  |
| 5  | <i>A.</i> Of course, Chris, C-h-r-i-s.        | 5  | in the hours occurred at Dillard's?           |
| 6  | Decote, D-e-c-o-t-e.                          | 6  | <i>A.</i> I don't really remember, to be      |
| 7  | <i>Q.</i> Did you have a set schedule at      | 7  | honest.                                       |
| 8  | Dillard's?                                    | 8  | <i>Q.</i> How many hours a week were you      |
| 9  | <i>A.</i> Most of the time I did.             | 9  | working when -- how many hours a week were    |
| 10 | <i>Q.</i> Were you working the same number    | 10 | you working at Dillard's at the time you went |
| 11 | of hours -- strike that, please.              | 11 | to Colonial?                                  |
| 12 | You worked at Dillard's while you             | 12 | <i>A.</i> Probably between 11 and 12.         |
| 13 | worked at AUM as well?                        | 13 | <i>Q.</i> Your job at Colonial, is it full    |
| 14 | <i>A.</i> That's correct.                     | 14 | time?                                         |
| 15 | <i>Q.</i> What hours did you work when you    | 15 | <i>A.</i> It is.                              |
| 16 | were also employed at AUM?                    | 16 | <i>Q.</i> Does that mean 40 hours a week?     |
| 17 | <i>A.</i> If I recall correctly, it was       | 17 | <i>A.</i> Yes, sir.                           |
| 18 | Monday nights, Wednesday nights, sometimes    | 18 | <i>Q.</i> How were you paid at Dillard's?     |
| 19 | Thursday, and then all day on Saturdays.      | 19 | By the hour?                                  |
| 20 | <i>Q.</i> What hours on Monday and Wednesday  | 20 | <i>A.</i> Hourly.                             |
| 21 | nights?                                       | 21 | <i>Q.</i> What was your rate?                 |
| 22 | <i>A.</i> Usually about 5:30 to close, which  | 22 | <i>A.</i> When I left it was 8.75.            |
| 23 | would be about 9:00.                          | 23 | <i>Q.</i> What was your rate, if you recall,  |
| 24 | <i>Q.</i> If somebody was in the chair,       | 24 | at the time you left Auburn University        |
| 25 | though, you wait until they are finished,     | 25 | Montgomery? Your rate at Dillard's?           |
|    | Page 15                                       |    | Page 17                                       |
| 1  | don't you?                                    | 1  | <i>A.</i> I think it was 8.50.                |
| 2  | <i>A.</i> I don't have to wait until they     | 2  | <i>Q.</i> What is your job at the bank?       |
| 3  | are finished.                                 | 3  | <i>A.</i> I am the Executive Assistant to     |
| 4  | <i>Q.</i> What about Thursdays when you       | 4  | the Director for Training and Development.    |
| 5  | worked those days, what were your hours?      | 5  | <i>Q.</i> And who is that?                    |
| 6  | <i>A.</i> About the same hours.               | 6  | <i>A.</i> Melinda Mills.                      |
| 7  | <i>Q.</i> The same. Saturday would be?        | 7  | <i>Q.</i> I'm sorry. What was the last        |
| 8  | <i>A.</i> Saturday would be from 7:30 until   | 8  | name?                                         |
| 9  | about 1:00 or 2:00. Or if I did the           | 9  | <i>A.</i> M-i-l-l-s.                          |
| 10 | afternoon, it would be from 12:00 until about | 10 | <i>Q.</i> Mills. Okay.                        |
| 11 | 8:00 or 9:00.                                 | 11 | And what is your salary?                      |
| 12 | <i>Q.</i> Now, after you left Auburn          | 12 | <i>A.</i> 30,000 a year.                      |
| 13 | University Montgomery, did your hours at      | 13 | <i>Q.</i> Congratulations. Were you happy to  |
| 14 | Dillard's change at all?                      | 14 | find that?                                    |
| 15 | <i>A.</i> They did.                           | 15 | <i>A.</i> I was happy to work.                |
| 16 | <i>Q.</i> How did they change?                | 16 | <i>Q.</i> Does Melinda know you are here      |
| 17 | <i>A.</i> They were reduced. I reduced my     | 17 | today?                                        |
| 18 | hours.                                        | 18 | <i>A.</i> She does.                           |
| 19 | <i>Q.</i> Why did you do that?                | 19 | <i>Q.</i> Does she know about the lawsuit?    |
| 20 | <i>A.</i> Well, because the salon started off | 20 | <i>A.</i> I did not go into detail with her.  |
| 21 | with 40 hairdressers and we ended up with     | 21 | <i>Q.</i> You just told her you had to give   |
| 22 | about five or six and they didn't need me to  | 22 | a deposition?                                 |
| 23 | give them as many hours.                      | 23 | <i>A.</i> That's right.                       |
| 24 | <i>Q.</i> How many hours were you giving      | 24 | <i>Q.</i> What's the address of the bank      |
| 25 | them?                                         | 25 | where you work?                               |

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|    | Page 18                                       |    | Page 20                                        |
|----|-----------------------------------------------|----|------------------------------------------------|
| 1  | A. All I know is 1 Court Square,              | 1  | A. There was some days I couldn't go           |
| 2  | Montgomery, Alabama. Colonial Bank, 1 Court   | 2  | into Dillard's.                                |
| 3  | Square, Montgomery, Alabama.                  | 3  | Q. Because of your conditions?                 |
| 4  | Q. Now, when you retired from AUM,            | 4  | A. Correct.                                    |
| 5  | you drew a retirement income from the state   | 5  | Q. How many days do you think it               |
| 6  | fund set up for Auburn University, is that    | 6  | amounted to?                                   |
| 7  | right?                                        | 7  | A. I honestly don't remember. They             |
| 8  | A. Correct.                                   | 8  | were few because I pushed myself to do what    |
| 9  | Q. How much are you getting out of            | 9  | I need to do.                                  |
| 10 | that?                                         | 10 | Q. Did you take any vacations during           |
| 11 | A. \$1,888 a month.                           | 11 | that time?                                     |
| 12 | Q. Is that about 20,000 a year, give          | 12 | A. No, I did not.                              |
| 13 | or take?                                      | 13 | Q. When you were working at AUM, when          |
| 14 | A. Give or take.                              | 14 | did you begin planning on retiring?            |
| 15 | Q. Other than Dillard's and Colonial          | 15 | A. I didn't plan to retire.                    |
| 16 | Bank, have you held any employment since you  | 16 | Retirement seminars would come to Campus and   |
| 17 | left AUM?                                     | 17 | those of us who were in striking distance of   |
| 18 | A. I briefly worked for my                    | 18 | retirement, we attended those seminars to find |
| 19 | rheumatologist for about three or four days.  | 19 | out what was being said. And I did attend a    |
| 20 | Q. For a rheumatologist?                      | 20 | couple of retirement seminars, as I recall.    |
| 21 | A. For my doctor, my rheumatologist.          | 21 | Q. What do you mean by "striking               |
| 22 | Q. What did you do there?                     | 22 | distance"?                                     |
| 23 | A. She hired me to be her                     | 23 | A. You have to have 25 years to                |
| 24 | receptionist.                                 | 24 | retire. And I had made the 25-year mark.       |
| 25 | Q. All right. And you didn't like             | 25 | Q. You made the 25 years by combining          |
|    | Page 19                                       |    | Page 21                                        |
| 1  | that?                                         | 1  | previous years of service at another           |
| 2  | A. I couldn't do the work. The files          | 2  | institution?                                   |
| 3  | were too heavy for me to pick up. I           | 3  | A. That's correct.                             |
| 4  | couldn't put them overhead.                   | 4  | Q. At what institution was that?               |
| 5  | Q. I see. How long did you work               | 5  | A. There were several. I worked for            |
| 6  | there?                                        | 6  | the Board of Education in Mobile for eight     |
| 7  | A. Probably about three days.                 | 7  | years. I worked for the University of South    |
| 8  | Q. How much did you get paid?                 | 8  | Alabama for two years. I worked for the        |
| 9  | A. I think it was something like              | 9  | University of Alabama in Huntsville for two    |
| 10 | \$180, or something like that.                | 10 | years, maybe two and a half. And then I        |
| 11 | Q. Are you still seeing the same              | 11 | came to Auburn, AUM, and I worked there for    |
| 12 | doctor?                                       | 12 | 20 years.                                      |
| 13 | A. I am.                                      | 13 | Q. You have had total about 32 years           |
| 14 | Q. Have you been continuously employed        | 14 | of service?                                    |
| 15 | with either Dillard's, your physician, or the | 15 | A. That's correct.                             |
| 16 | bank, since your retirement from AUM?         | 16 | Q. Did the eight years of Mobile, the          |
| 17 | A. Just Dillard's.                            | 17 | two years at South Alabama, and the two years  |
| 18 | Q. I don't mean with each employer at         | 18 | at the University of Alabama in Huntsville     |
| 19 | the same time. You have had a job of some     | 19 | transfer over to your account so to speak?     |
| 20 | of kind ever since you left AUM, right?       | 20 | A. What transfer? You mean the                 |
| 21 | A. I have had a job with Dillard's            | 21 | monies?                                        |
| 22 | since I left.                                 | 22 | Q. The years of service.                       |
| 23 | Q. Were there any periods of time             | 23 | A. Yes. That was in the same system.           |
| 24 | since you left AUM that you were unable to    | 24 | Q. Do you have to pay anything for             |
| 25 | work for whatever reason?                     | 25 | those years to transfer?                       |

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|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1  | A. No.                                                                                                                                                                                                                                     | 1  | after I filed my complaint concerning Allison Stevens. I came back, and I reported that to him.                                                                                                                                                             |
| 2  | Q. Did you ever give any thought as to when you would retire?                                                                                                                                                                              | 2  | Q. You reported what to whom?                                                                                                                                                                                                                               |
| 3  | A. I think we all do, or I did.                                                                                                                                                                                                            | 3  | A. I reported to Brad Moody that my conversation with Debra Foster was about my -- "you have enough time to retire, so why don't you do that."                                                                                                              |
| 4  | Q. Tell me about your thinking about when you would retire?                                                                                                                                                                                | 4  | Q. Have Debra -- I'm sorry.                                                                                                                                                                                                                                 |
| 5  | A. I thought about -- I could retire once I was treated the way I was. And I didn't want to be in that unsafe environment any more.                                                                                                        | 5  | A. I'm sorry. I am finished.                                                                                                                                                                                                                                |
| 6  | Q. You are talking about -- you claim in this lawsuit that the University forced you to retire, correct?                                                                                                                                   | 6  | Q. I don't mean to interrupt you. Go ahead. I don't want to cut you off.                                                                                                                                                                                    |
| 7  | A. That's correct.                                                                                                                                                                                                                         | 7  | A. I have completed my thought.                                                                                                                                                                                                                             |
| 8  | Q. Up until that time, had you given any thought as to when you might retire?                                                                                                                                                              | 8  | Q. Have you ever discussed retirement with Debra Foster before?                                                                                                                                                                                             |
| 9  | A. I had spoken to Dr. Lawal in April of 2004 when I picked he and his wife up at the airport. And I told him that I had enough years to retire, but I was going to stay two to three years to get him transitioned into his new position. | 9  | A. I have not discussed retirement with her. She brought it up to me.                                                                                                                                                                                       |
| 10 | Q. Is that as definite as you ever considered your plans to be with respect to retiring?                                                                                                                                                   | 10 | Q. Is that the only time that that subject has been brought up between the two of you?                                                                                                                                                                      |
| 11 |                                                                                                                                                                                                                                            | 11 | A. When I was in her office that time is what I recall.                                                                                                                                                                                                     |
| 12 |                                                                                                                                                                                                                                            | 12 | Q. She didn't make any remarks about your retirement before that?                                                                                                                                                                                           |
| 13 |                                                                                                                                                                                                                                            | 13 | A. I really don't remember.                                                                                                                                                                                                                                 |
| 14 |                                                                                                                                                                                                                                            |    |                                                                                                                                                                                                                                                             |
| 15 |                                                                                                                                                                                                                                            |    |                                                                                                                                                                                                                                                             |
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| 25 |                                                                                                                                                                                                                                            |    |                                                                                                                                                                                                                                                             |
|    | Page 23                                                                                                                                                                                                                                    |    | Page 25                                                                                                                                                                                                                                                     |
| 1  | A. Absolutely.                                                                                                                                                                                                                             | 1  | Q. Do you recall ever making any comments that you want to retire, but you wanted to have a new job before you did?                                                                                                                                         |
| 2  | Q. How many times did you and Dr. Lawal discuss your retirement?                                                                                                                                                                           | 2  | A. I don't remember making that comment.                                                                                                                                                                                                                    |
| 3  | A. After I initially talked with him in April, we didn't talk about retirement any more until February when I left.                                                                                                                        | 3  | Q. A retiree from AUM is not penalized, is she, if she goes out and gets a full-time job? Penalized in the sense that the retirement benefits are affected?                                                                                                 |
| 4  | Q. Had you had any discussions with Bob Elliott about when you might retire?                                                                                                                                                               | 4  | A. Well, I don't know. I know there is a cap if you get a state job.                                                                                                                                                                                        |
| 5  | A. Dr. Elliott -- I said to Dr. Elliott when he retired, "You are you lucky. I wish I could."                                                                                                                                              | 5  | Q. Let's not talk about state jobs. Let's talk about private sector jobs.                                                                                                                                                                                   |
| 6  | Q. Were you not eligible at that time?                                                                                                                                                                                                     | 6  | A. And your question was?                                                                                                                                                                                                                                   |
| 7  | A. I may have been eligible, but I was a single parent. My daughter was in school, so I wasn't thinking about retiring.                                                                                                                    | 7  | Q. You can retire from AUM and get whatever you are entitled to based on your years of service or highest salary, or however the formula works, right? And go out and get a job in the private sector and your retirement benefits are not affected, right? |
| 8  | Q. Did you ever make any remarks to anyone that you were going to retire after Courtney finished school?                                                                                                                                   | 8  | A. That's correct.                                                                                                                                                                                                                                          |
| 9  | A. I don't recall.                                                                                                                                                                                                                         | 9  | Q. That's a pretty good deal, isn't it?                                                                                                                                                                                                                     |
| 10 | Q. Did you have any discussions about your retirement with Brad Moody?                                                                                                                                                                     | 10 | MS. RODGERS: I object.                                                                                                                                                                                                                                      |
| 11 | A. We discussed retirement, yes. I discussed retirement with Brad Moody because Debra Foster mentioned that I should retire                                                                                                                | 11 | MR. DODD: Q. Did you ever hear                                                                                                                                                                                                                              |
| 12 |                                                                                                                                                                                                                                            | 12 |                                                                                                                                                                                                                                                             |
| 13 |                                                                                                                                                                                                                                            | 13 |                                                                                                                                                                                                                                                             |
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|    |  | Page 26                                       |    |  | Page 28                                      |
|----|--|-----------------------------------------------|----|--|----------------------------------------------|
| 1  |  |                                               | 1  |  | months that you have worked at the bank that |
| 2  |  | any of the faculty you worked with, or        | 2  |  | suggests to you that your employment might   |
| 3  |  | administrators you worked with, express their | 3  |  | not be permanent there?                      |
| 4  |  | desire to retire and get another job?         | 4  |  | A. I am too new in the job. I                |
| 5  |  | A. I have heard conversations on              | 5  |  | really don't know.                           |
| 6  |  | occasion.                                     | 6  |  | Q. As far as you know, there has been        |
| 7  |  | Q. From a purely monetary standpoint,         | 7  |  | no event that makes it unlikely that you     |
| 8  |  | an income standpoint, you are better off now  | 8  |  | would continue in that job?                  |
| 9  |  | than when you worked at AUM, are you not?     | 9  |  | A. I have been there six weeks. I            |
| 10 |  | MS. RODGERS: Object. You can                  | 10 |  | am still on probation. I don't know what     |
| 11 |  | answer.                                       | 11 |  | the future holds.                            |
| 12 |  | THE WITNESS: I am not. I don't                | 12 |  | Q. How long have you known Chris             |
| 13 |  | think I am better off.                        | 13 |  | Mahaffy?                                     |
| 14 |  | MR. DODD: Q. Why aren't you                   | 14 |  | A. He was there when I came to AUM           |
| 15 |  | better off?                                   | 15 |  | in 1984.                                     |
| 16 |  | A. I just started this job. My                | 16 |  | Q. You knew him for about 20 years?          |
| 17 |  | salary was cut in half at AUM.                | 17 |  | A. About 20 years.                           |
| 18 |  | Q. No. I am just talking about from           | 18 |  | Q. Were you ever on good terms with          |
| 19 |  | a purely income perspective right now. You    | 19 |  | him?                                         |
| 20 |  | are making more money from your retirement    | 20 |  | A. I didn't see Chris much. He               |
| 21 |  | and from your new job than you were at AUM,   | 21 |  | taught his classes and went home until he    |
| 22 |  | are you not?                                  | 22 |  | became Acting Department Head, or Chair of   |
| 23 |  | MS. RODGERS: Objection.                       | 23 |  | the Physical Science Department. That's when |
| 24 |  | THE WITNESS: Well, if I sit down              | 24 |  | I started to see him more.                   |
| 25 |  | and add up the figures, I might. I haven't    | 25 |  | Q. When did he become Acting Chair of        |
|    |  | Page 27                                       |    |  | Page 29                                      |
| 1  |  | MR. DODD: Q. What was your                    | 1  |  | the Physical Science Department?             |
| 2  |  | salary when you left AUM?                     | 2  |  | A. It had to be -- I have got to             |
| 3  |  | A. I believe it was 40,900 and                | 3  |  | think a minute here. Let's see.              |
| 4  |  | something.                                    | 4  |  | Q. Take your time.                           |
| 5  |  | Q. Your salary now at the bank is             | 5  |  | A. It had to be in the late Nineties.        |
| 6  |  | \$40,000, is it not?                          | 6  |  | Somewhere between, I want to say, '97 and    |
| 7  |  | A. Thirty.                                    | 7  |  | 2000. I'm not real sure.                     |
| 8  |  | Q. Is it 30? I thought you told me            | 8  |  | Q. Somewhere in that time frame, do          |
| 9  |  | 40 a minute ago.                              | 9  |  | you think?                                   |
| 10 |  | A. No. I said 30.                             | 10 |  | A. I think.                                  |
| 11 |  | MS. RODGERS: 30.                              | 11 |  | Q. Until that time, did you really           |
| 12 |  | MR. DODD: Q. I misunderstood                  | 12 |  | even know him?                               |
| 13 |  | you. Your salary is 30. Your retirement       | 13 |  | A. Not really, because he never really       |
| 14 |  | income annually is approximately \$22,650?    | 14 |  | came into the Dean's office.                 |
| 15 |  | A. If that's what you calculated.             | 15 |  | Q. After that time that he became the        |
| 16 |  | Q. Do you know what it is?                    | 16 |  | Acting Chair, and then I guess the Chair of  |
| 17 |  | A. I know that it's 1,888 a month.            | 17 |  | Physical Sciences?                           |
| 18 |  | Q. Your current income from those two         | 18 |  | A. Right.                                    |
| 19 |  | sources is in excess of \$52,000 a year, is   | 19 |  | Q. Were you ever on good terms with          |
| 20 |  | that right?                                   | 20 |  | him?                                         |
| 21 |  | A. If that's what you just added.             | 21 |  | A. We did our jobs.                          |
| 22 |  | Q. Do you disagree with that?                 | 22 |  | Q. What does that mean?                      |
| 23 |  | A. I am going by your figures is what         | 23 |  | A. It means that -- how do you define        |
| 24 |  | I told you.                                   | 24 |  | "good terms"?                                |
| 25 |  | Q. Has anything happened in the two           | 25 |  | Q. Well, when did you become on bad          |

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|    | Page 30                                        |    | Page 32                                       |
|----|------------------------------------------------|----|-----------------------------------------------|
| 1  | terms with him?                                | 1  | by Joe Hill just before he retired.           |
| 2  | A. During the first search for the             | 2  | Q. And was the first Dean search that         |
| 3  | Dean's position.                               | 3  | you referred to, the search to find a         |
| 4  | Q. When was that?                              | 4  | replacement for Joe Hill?                     |
| 5  | A. The first search I think was                | 5  | A. Correct.                                   |
| 6  | winter semester of 2000 -- winter or spring    | 6  | Q. Who served as Acting or Interim            |
| 7  | semester of 2002.                              | 7  | Dean when Joe Hill left?                      |
| 8  | Q. Is it fair to say that up until             | 8  | A. Dr. Elliott.                               |
| 9  | that time, that search for the Dean, that      | 9  | Q. Do you recall how long he served           |
| 10 | there was nothing about Chris Mahaffy's        | 10 | in that capacity?                             |
| 11 | behavior that you complained about?            | 11 | A. I think a little over two years            |
| 12 | A. I did complain about some of his            | 12 | maybe.                                        |
| 13 | behavior.                                      | 13 | Q. He retired, did he not?                    |
| 14 | Q. Let's talk about that. What                 | 14 | A. He did.                                    |
| 15 | behaviors did you complain about?              | 15 | Q. Which again left a vacancy in the          |
| 16 | A. I complained about -- well, he              | 16 | Dean's office, right?                         |
| 17 | would come into the office and not say         | 17 | A. Correct.                                   |
| 18 | anything. He would just look and stare. He     | 18 | Q. Who served after Elliott left?             |
| 19 | would just make inappropriate comments.        | 19 | A. Dr. Moody.                                 |
| 20 | Q. This is before the first Dean               | 20 | Q. Do you recall when he started              |
| 21 | search, right?                                 | 21 | as --                                         |
| 22 | A. Okay. Let me get my --                      | 22 | A. Dr. Elliott left December of '02.          |
| 23 | Q. Take your time and let's make sure          | 23 | And Brad's appointment started actually       |
| 24 | we get the times right. Okay?                  | 24 | December of '02, but he physically came up in |
| 25 | A. Okay. I am trying to remember               | 25 | January.                                      |
|    | Page 31                                        |    | Page 33                                       |
| 1  | when the first Dean search was. Well, I        | 1  | Q. In January?                                |
| 2  | never really had any dealings with Chris       | 2  | A. '03.                                       |
| 3  | until he became Department Chair. And I will   | 3  | Q. How long was Brad Moody Acting             |
| 4  | say that was -- like I said, somewhere in      | 4  | Dean?                                         |
| 5  | the late Nineties or something. And as         | 5  | A. Until Bayo arrived August of '04.          |
| 6  | Department Chair he would come in and drop     | 6  | Brad was in the office December of '02        |
| 7  | off reports, or whatever, and there was just   | 7  | because Bob left before Christmas. So he      |
| 8  | really no interaction really.                  | 8  | would have been there December of '02.        |
| 9  | Q. Between you and he, right?                  | 9  | Q. When did the search that resulted          |
| 10 | A. Correct.                                    | 10 | in Dr. Lawal's hire begin?                    |
| 11 | Q. Okay.                                       | 11 | A. January or February '03. I'm               |
| 12 | A. I have got to think about this.             | 12 | sorry. January -- let me get this right.      |
| 13 | Q. If we were going to construct a             | 13 | The search started -- I'm not sure. But it    |
| 14 | time line, and try as best we can to           | 14 | started shortly after Brad took the position, |
| 15 | pinpoint when your objections to Mahaffy's     | 15 | I believe. At least one of them did.          |
| 16 | conduct began, it would be sometime after he   | 16 | Q. There were two searches for Deans,         |
| 17 | became Chair of Physical Sciences, correct?    | 17 | correct?                                      |
| 18 | A. Yes. After he became chair.                 | 18 | A. Yes.                                       |
| 19 | Q. Whatever that date is. That's the           | 19 | Q. Okay. The first one was to find            |
| 20 | event you recall, right?                       | 20 | a replacement for Joe Hill, is that right?    |
| 21 | A. Right.                                      | 21 | A. Well, they didn't start that search        |
| 22 | Q. Who was the Dean when he became             | 22 | immediately.                                  |
| 23 | Chair of Physical Sciences?                    | 23 | Q. They started that search at a time         |
| 24 | A. If I'm not mistaken, his interim            | 24 | when Bob Elliott was serving as Dean?         |
| 25 | appointment as Acting Department Head was made | 25 | A. Right.                                     |

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|    |                                              | Page 34 |                                                |  | Page 36 |
|----|----------------------------------------------|---------|------------------------------------------------|--|---------|
| 1  | <i>Q.</i> Do you recall when that searched   | 1       | <i>A.</i> Dean's secretary.                    |  |         |
| 2  | started?                                     | 2       | <i>Q.</i> Who did your Deans' report to?       |  |         |
| 3  | <i>A.</i> I'm not sure. I think it was       | 3       | <i>A.</i> The Vice Chancellor for Academic     |  |         |
| 4  | spring of '02. No. Yes. Spring of '02.       | 4       | Affairs and Student Affairs.                   |  |         |
| 5  | <i>Q.</i> How did that search end?           | 5       | <i>Q.</i> Who was that?                        |  |         |
| 6  | <i>A.</i> It was a failed search. No one     | 6       | <i>A.</i> Dr. Roger Ritvo.                     |  |         |
| 7  | was selected as Dean.                        | 7       | <i>Q.</i> Was he the Vice Chancellor at all    |  |         |
| 8  | <i>Q.</i> When did the search end?           | 8       | times while Joe Hill, Bob Elliott and Bayo     |  |         |
| 9  | <i>A.</i> I don't remember the date it       | 9       | Lawal were Deans?                              |  |         |
| 10 | ended.                                       | 10      | <i>A.</i> No, he was not.                      |  |         |
| 11 | <i>Q.</i> Do you have any idea of how long   | 11      | <i>Q.</i> When did he assume that role? If     |  |         |
| 12 | the search took?                             | 12      | you know.                                      |  |         |
| 13 | <i>A.</i> It took about three -- at least    | 13      | <i>A.</i> I don't know the exact date he       |  |         |
| 14 | three months or more.                        | 14      | took the job.                                  |  |         |
| 15 | <i>Q.</i> Now, did the second --             | 15      | <i>Q.</i> Who was his predecessor?             |  |         |
| 16 | <i>A.</i> I'm sorry.                         | 16      | <i>A.</i> Dr. Nance.                           |  |         |
| 17 | <i>Q.</i> Did the second search start Brad   | 17      | <i>Q.</i> Is that Guin Nance?                  |  |         |
| 18 | Moody serving as Dean?                       | 18      | <i>A.</i> Uh-huh.                              |  |         |
| 19 | <i>A.</i> It did.                            | 19      | <i>Q.</i> You have to say "yes."               |  |         |
| 20 | <i>Q.</i> That was sometime after January    | 20      | <i>A.</i> Yes. I'm sorry.                      |  |         |
| 21 | '03?                                         | 21      | <i>Q.</i> Dr. Nance is now the Chancellor,     |  |         |
| 22 | <i>A.</i> Right.                             | 22      | correct?                                       |  |         |
| 23 | <i>Q.</i> Do you recall when Dr. Lawal       | 23      | <i>A.</i> Correct.                             |  |         |
| 24 | accepted the position as the Dean?           | 24      | <i>Q.</i> Does Roger Ritvo report to Guin      |  |         |
| 25 | <i>A.</i> I think it was sometime in -- it   | 25      | Nance?                                         |  |         |
|    |                                              | Page 35 |                                                |  | Page 37 |
| 1  | was May or June. I'm not sure. And it may    | 1       | <i>A.</i> He does.                             |  |         |
| 2  | even be the end of April. I'm not really     | 2       | <i>Q.</i> Who did Guin Nance report to when    |  |         |
| 3  | sure.                                        | 3       | she was the Vice Chancellor?                   |  |         |
| 4  | <i>Q.</i> Do you have any idea of the        | 4       | <i>A.</i> Dr. Saigo.                           |  |         |
| 5  | duration of that search?                     | 5       | <i>Q.</i> How many Departments are there in    |  |         |
| 6  | <i>A.</i> The second search?                 | 6       | the School of Sciences?                        |  |         |
| 7  | <i>Q.</i> Yes.                               | 7       | <i>A.</i> Six, seven. Counting the facility    |  |         |
| 8  | <i>A.</i> I was on the Search Committee, so  | 8       | at Maxwell.                                    |  |         |
| 9  | I think it was about -- at least three or    | 9       | <i>Q.</i> Does each Department have a Chair?   |  |         |
| 10 | four months.                                 | 10      | <i>A.</i> Yes.                                 |  |         |
| 11 | <i>Q.</i> Is it likely that it started about | 11      | <i>Q.</i> To whom do the Chairs' report?       |  |         |
| 12 | the first of the year in 2004?               | 12      | <i>A.</i> To the Dean.                         |  |         |
| 13 | <i>A.</i> Yes, it is.                        | 13      | <i>Q.</i> How would -- strike that, please.    |  |         |
| 14 | <i>Q.</i> Ms. Ellison, when we are talking   | 14      | Tell me how would you describe                 |  |         |
| 15 | about the Deans here, we are talking about   | 15      | your job?                                      |  |         |
| 16 | the Dean of the School of Sciences, correct? | 16      | <i>A.</i> As the Dean's secretary?             |  |         |
| 17 | <i>A.</i> That's correct.                    | 17      | <i>Q.</i> Yes.                                 |  |         |
| 18 | <i>Q.</i> Your job was what?                 | 18      | <i>A.</i> My job included making sure the      |  |         |
| 19 | <i>A.</i> I was the Senior Administrative    | 19      | smooth operations of the office flows daily.   |  |         |
| 20 | Associate to the Dean of the School of       | 20      | That included answering the phones, doing the  |  |         |
| 21 | Sciences.                                    | 21      | mail, doing payroll, giving assignments to the |  |         |
| 22 | <i>Q.</i> What was your previous title in    | 22      | other secretaries, receiving assignments from  |  |         |
| 23 | that role?                                   | 23      | the other secretaries, making sure that they   |  |         |
| 24 | <i>A.</i> Dean's secretary.                  | 24      | were correct. It included supervising          |  |         |
| 25 | <i>Q.</i> I'm sorry.                         | 25      | anywhere from five or six work study           |  |         |

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| <p style="text-align: right;">Page 38</p> <p>1        students. I wrote drafts of memos for the<br/>     2        Deans. Just the normal secretarial duties.<br/>     3        Q. For the Dean, right?<br/>     4        A. For the Dean.<br/>     5        Q. You supported the Dean, right?<br/>     6        A. I supported the Dean.<br/>     7        Q. Is he your boss?<br/>     8        A. Excuse me. I didn't hear you.<br/>     9        Q. Is he your boss?<br/>     10      A. He was my boss.<br/>     11      Q. And your supervisor?<br/>     12      A. Yes.<br/>     13      Q. A minute ago when you were listing<br/>     14      some of your activities, you said receiving<br/>     15      assignments from secretaries. Did you mean<br/>     16      receiving work back from them that you had<br/>     17      given them to make sure that it's correct?<br/>     18      A. That's correct.<br/>     19      Q. They weren't giving you tasks to<br/>     20      do, were they?<br/>     21      A. Right. I gave them -- well, we<br/>     22      had routine tasks that had to be done.<br/>     23      Q. Right.<br/>     24      A. That I had to give out to them<br/>     25      and they returned to me to review to see</p> | <p style="text-align: right;">Page 40</p> <p>1        he became Chair.<br/>     2        A. Okay.<br/>     3        Q. Have you ever seen him become<br/>     4        violent with anyone until that time?<br/>     5        A. There was one confrontation that<br/>     6        was reported to the Dean's office between he<br/>     7        and a student in a chemistry lab.<br/>     8        Q. What was that confrontation?<br/>     9        A. I don't know. It was years ago.<br/>     10      I don't remember. There was a confrontation<br/>     11      and the Dean at the time took care of it.<br/>     12      Q. Do you know any details about that<br/>     13      confrontation?<br/>     14      A. I don't remember.<br/>     15      Q. Do you have any personal knowledge<br/>     16      of that confrontation?<br/>     17      A. I was not in the lab when it took<br/>     18      place.<br/>     19      Q. Until the time that Chris Mahaffy<br/>     20      became Chair of Physical Sciences, had he<br/>     21      ever touched you?<br/>     22      A. No.<br/>     23      Q. Have you ever sued anybody else<br/>     24      before?<br/>     25      A. I have not.</p>                                                                                        |
| <p style="text-align: right;">Page 39</p> <p>1        whether or not it was correct.<br/>     2        Q. That's what you were talking about,<br/>     3        right? I mean the secretaries in the School<br/>     4        of Sciences were not telling you to do<br/>     5        things, right?<br/>     6        A. Correct. I didn't think I had<br/>     7        said that.<br/>     8        Q. I'm sorry.<br/>     9        A. I didn't know that I had said that<br/>     10      they did.<br/>     11      Q. I wanted to make sure.<br/>     12      A. Okay.<br/>     13      Q. Now, until Chris Mahaffy became the<br/>     14      Chair, or Acting Chair of the Physical<br/>     15      Sciences, had he ever been violent with you?<br/>     16      A. He had not been violent with me,<br/>     17      no.<br/>     18      Q. Have you ever observed him being<br/>     19      violent with anyone?<br/>     20      A. I observed him being upset.<br/>     21      Q. How was he upset?<br/>     22      A. After Department Head meetings,<br/>     23      sometimes if things didn't go his way, he<br/>     24      came out upset.<br/>     25      Q. Let's talk about the time up until</p>                                     | <p style="text-align: right;">Page 41</p> <p>1        Q. Have you ever been sued?<br/>     2        A. No.<br/>     3        Q. Have you been charged with a<br/>     4        crime?<br/>     5        A. No.<br/>     6        Q. Where was your office located?<br/>     7        A. 311 Goodwyn Hall, which was the<br/>     8        Dean's suite.<br/>     9        Q. Is that on the third floor?<br/>     10      A. Third floor of Goodwyn Hall.<br/>     11      Q. Can you give me an idea of the<br/>     12      layout of the office?<br/>     13      A. You would come into the office.<br/>     14      To the left there was a seating area. To<br/>     15      the right a copy machine. Then a desk for<br/>     16      the student worker. I added another desk for<br/>     17      a student worker. My cubicle. If you go to<br/>     18      the left, Dr. Owens' office. And the second<br/>     19      left was Dr. Caroline Adams. And directly in<br/>     20      front of my cubicle was the Dean's office.<br/>     21      Q. Now, when you say "cubicle," can<br/>     22      you describe what you mean?<br/>     23      A. Well, we just had -- it was a<br/>     24      partition between me and the students and the<br/>     25      incoming traffic to buffer.</p> |

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| <p style="text-align: right;">Page 42</p> <p>1           Q. And how high was the partition?<br/>     2           A. I think we ordered them either<br/>     3           about four or five feet high. I can't<br/>     4           remember.<br/>     5           Q. Did you have to stand up to see<br/>     6           out of it?<br/>     7           A. I did.<br/>     8           Q. You mean it's a solid partition,<br/>     9           right?<br/>     10          A. There was maybe a 12-inch glass at<br/>     11          the end, but I had to lean to look up out<br/>     12          of that glass.<br/>     13          Q. What was your line of vision when<br/>     14          you looked through the glass?<br/>     15          A. I could see the door opening, but<br/>     16          I couldn't see who was coming in until they<br/>     17          actually entered.<br/>     18          Q. Could you see into the hallway?<br/>     19          A. If I stood up and leaned forward.<br/>     20          Q. And leaned forward?<br/>     21          A. Well --<br/>     22          Q. I know it's hard to describe a<br/>     23          physical layout.<br/>     24          A. You could see the hallway from the<br/>     25          -- you could see the hallway from the glass</p> | <p style="text-align: right;">Page 44</p> <p>1           Business doing structured interviews with<br/>     2           people from the Department of Transportation,<br/>     3           police officers in Dekalb County, Georgia.<br/>     4           And when they had other projects come up,<br/>     5           they would ask me to help.<br/>     6           Q. Are these projects that have a<br/>     7           definite starting point and a definite<br/>     8           termination point?<br/>     9           A. Yes.<br/>     10          Q. How long did they typically last?<br/>     11          A. Anywhere from two days to a week.<br/>     12          Sometimes, I think one time was a two-week<br/>     13          period. I'm not sure. It's been a while.<br/>     14          Q. How would you modify your schedule,<br/>     15          or did you need to modify your schedule if<br/>     16          you had one of those assignments?<br/>     17          A. There was a form that we called<br/>     18          HR-12. And you had to put on that form if<br/>     19          you were taking vacation time, or if you were<br/>     20          going to make it up, or if you were using<br/>     21          comp time, and you had to put that on there.<br/>     22          Q. When would you -- say, during a<br/>     23          typical work day, when did you perform the<br/>     24          work on these assignments? Do you know what I<br/>     25          mean? Was it between the hours of 8:00 to</p> |
| <p style="text-align: right;">Page 43</p> <p>1           that's in there. If you take a look you can<br/>     2           see. And depending on how your desk is<br/>     3           turned, and my desk had been in several<br/>     4           positions.<br/>     5           Q. So tell me how you would look into<br/>     6           the hall? Would you have to stand up and<br/>     7           look around, or look over, or how would you<br/>     8           do it?<br/>     9           A. Like that.<br/>     10          Q. You are looking around the edge?<br/>     11          A. No.<br/>     12          Q. You are looking through the glass?<br/>     13          A. Right.<br/>     14          Q. Okay. Did you spend most of your<br/>     15          day at your desk?<br/>     16          A. It depends on what day of the week<br/>     17          it was and what I was doing.<br/>     18          Q. What were your typical hours of<br/>     19          work there?<br/>     20          A. 8:00 to 5:00.<br/>     21          Q. Now, did you ever have any extra<br/>     22          employment at AUM?<br/>     23          A. I did.<br/>     24          Q. Tell me about that.<br/>     25          A. I worked for the Center for</p>                                            | <p style="text-align: right;">Page 45</p> <p>1           5:00, or was it some other time?<br/>     2           A. I had to physically be at another<br/>     3           location to perform the work. I was wherever<br/>     4           the job was.<br/>     5           Q. Right. Did these jobs occur<br/>     6           outside of your normal working hours?<br/>     7           A. Sometimes they did. Sometimes they<br/>     8           didn't.<br/>     9           Q. How would you -- when they<br/>     10          didn't --<br/>     11          A. As I stated, there was an HR-12<br/>     12          form that we had to fill out a block on that<br/>     13          form stating how we would compensate for the<br/>     14          time that I was not at my regular job.<br/>     15          Whether it be taking vacation, comp time, or<br/>     16          making it up.<br/>     17          Q. They are not going to pay you<br/>     18          twice, in other words, right?<br/>     19          A. I don't understand that.<br/>     20          Q. If you had to go to your other<br/>     21          assignment during the times that you would<br/>     22          typically be working in the Dean's office,<br/>     23          you are not going to get your normal salary<br/>     24          for working in the Dean's office for that<br/>     25          time, plus the income you make on the</p>                                                                                                              |

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| <p style="text-align: right;">Page 46</p> <p>1        assignment, right?</p> <p>2        A. It depends on what you put on your</p> <p>3        HR-12.</p> <p>4        Q. You can take your vacation, right?</p> <p>5        A. You could take vacation, or comp</p> <p>6        time, or you can make it up. Whatever your</p> <p>7        supervisor approved.</p> <p>8        Q. Did Dr. Lawal ever disapprove</p> <p>9        whatever you proposed with respect to these</p> <p>10      other assignments and your time?</p> <p>11      A. I never had an assignment while</p> <p>12      Dr. Lawal was there with the Center for</p> <p>13      Business.</p> <p>14      Q. When was your last assignment for</p> <p>15      the Center for Business?</p> <p>16      A. That ended probably nine to ten</p> <p>17      months before -- at least a year before I</p> <p>18      left.</p> <p>19      Q. In that year before you left, you</p> <p>20      didn't have any other outside employment at</p> <p>21      AUM?</p> <p>22      A. Not that I remember.</p> <p>23      Q. Where did you park at AUM?</p> <p>24      A. I parked in the parking lot by the</p> <p>25      gym. The parking lots are numbered. I have</p>         | <p style="text-align: right;">Page 48</p> <p>1        Q. Adjacent to the building right</p> <p>2        there?</p> <p>3        A. Yes.</p> <p>4        Q. Are you familiar with the AUM</p> <p>5        Campus Police Officers?</p> <p>6        A. I do know some of them. I don't</p> <p>7        know all of them.</p> <p>8        Q. Do you know Nel Robinson?</p> <p>9        A. I do.</p> <p>10      Q. Do you know Craig Sparrow?</p> <p>11      A. I don't know him.</p> <p>12      Q. Do you know R.C.? That's his</p> <p>13      first name. I have forgotten his last name.</p> <p>14      A. If you call his last name out I</p> <p>15      might know him. But I don't know.</p> <p>16      Q. You knew Nel?</p> <p>17      A. Yes.</p> <p>18      Q. How long have you known her?</p> <p>19      A. Since she came to AUM. I don't</p> <p>20      know how long that's been. I don't know how</p> <p>21      long she has been there.</p> <p>22      Q. Would you say you have known her</p> <p>23      for a number of years?</p> <p>24      A. Yes.</p> <p>25      Q. Do you know that she is the Chief?</p>                                                                                         |
| <p style="text-align: right;">Page 47</p> <p>1        no idea what that parking lot number is.</p> <p>2        Q. How close to Goodwyn Hall did you</p> <p>3        park?</p> <p>4        A. There was no close parking until</p> <p>5        -- I parked in the handicap behind Goodwyn</p> <p>6        Hall for about the last eight or nine months</p> <p>7        of my employment there. Maybe not even that</p> <p>8        long. Before that I parked in the gym</p> <p>9        parking lot.</p> <p>10      Q. Was your handicap due to your</p> <p>11      cancer?</p> <p>12      A. My rheumatoid arthritis.</p> <p>13      Q. Rheumatoid arthritis. And I assume</p> <p>14      you have a state authorization for parking in</p> <p>15      the handicap spaces?</p> <p>16      A. I do.</p> <p>17      Q. I am just curious as to the way</p> <p>18      it works in Alabama.</p> <p>19      A. Yes, sir.</p> <p>20      Q. How far from Goodwyn Hall were the</p> <p>21      handicap spaces where you parked?</p> <p>22      A. It was outside. This it -- well,</p> <p>23      it was outside where the loading dock is.</p> <p>24      It was just outside the loading dock at the</p> <p>25      back of the building.</p> | <p style="text-align: right;">Page 49</p> <p>1        A. Yes.</p> <p>2        Q. The Chief Law Enforcement Officer</p> <p>3        at AUM?</p> <p>4        A. Um-hum.</p> <p>5        Q. Did you ever have occasion to call</p> <p>6        Chief Robinson, or any other individual in</p> <p>7        the Police Department, for assistance of any</p> <p>8        kind?</p> <p>9        A. I called on occasion for student</p> <p>10      matters sometimes when the need arose.</p> <p>11      Q. For student --</p> <p>12      A. For student matters when students</p> <p>13      were not doing what they needed to do. And</p> <p>14      I was directed to call Campus Police. If we</p> <p>15      had students who were being disruptive in</p> <p>16      class.</p> <p>17      Q. Misbehaving students and that sort</p> <p>18      of thing?</p> <p>19      A. Yes.</p> <p>20      Q. Did you ever have to call any of</p> <p>21      the police officers to come unlock a door, to</p> <p>22      let you in somewhere, or let anybody else in</p> <p>23      a room that's locked?</p> <p>24      A. I may have over the course of 20</p> <p>25      years forgotten my key one time and called</p> |

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1 them to let me in.

2 Q. Do you recall any occasion where  
3 the Police Department or the officers didn't  
4 respond to a request you made of them?5 A. Not in the matters that I called  
6 about.7 Q. Did you ever ask them to escort  
8 you to your car?9 A. I asked for Campus Police security,  
10 and Dr. Lawal said I had to go through Ritvo  
11 to get that.12 Q. My question, though is, did you  
13 ever ask anybody in the Police Department to  
14 escort you to your car?

15 A. No.

16 Q. Ms. Ellison, are you familiar with  
17 the AUM harassment policy?

18 A. I have read it over the years.

19 Q. Do you recall when you first read  
20 it?21 A. I don't recall when I first read  
22 it.23 Q. Do you recall when you last read  
24 it?

25 A. Yes.

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1 A. I would have to read it to be  
2 refreshed, to be honest.3 Q. As we sit here today, you don't  
4 know what the reporting procedures are?

5 A. I do.

6 Q. What are they?

7 A. As related to the harassment  
8 policy, you report it to your supervisor.9 Q. And what is the supervisor supposed  
10 to do?

11 A. They are supposed to take action.

12 Q. Is it your understanding that the  
13 supervisor of a person who feels he or she  
14 has been harassed, is the person who is  
15 supposed to remedy, or take action to remedy  
16 the harassment?17 A. Well, when I say "take action,"  
18 they set in motion the rest of whatever the  
19 policy prescribes. Whether it is take the  
20 complaint to the HR or the EEOC person.  
21 That's what I am saying.

22 Q. Okay. I just want to make sure.

23 And your supervisor, I think you  
24 said during this time, was Dr. Lawal, right?

25 A. The last Dean I worked with was

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1 Q. When did you last read it?

2 A. I think I read it at the time  
3 that Dr. Lawal's behavior changed towards me.  
4 And at times that I was reporting these  
5 incidents to HR.6 Q. Can you give me a time frame,  
7 other than connecting it to somebody else's  
8 behavior?9 A. I wasn't accustomed to just pulling  
10 the book out and reading it. So the best I  
11 can tell you would be the fall semester of  
12 2004.13 Q. Was it closer to the beginning of  
14 that semester, or closer to the end of the  
15 semester?

16 A. Probably closer to the end.

17 Q. To the end.

18 Do you have an understanding of  
19 the reporting procedures contained in that  
20 policy?21 A. I don't remember the policy  
22 verbatim.23 Q. Do you have any recollection at  
24 all of the reporting procedures in that  
25 policy?

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1 Dr. Lawal.

2 Q. He started in August of 2004?

3 A. Yes. Can I take a break?

4 MR. DODD: Of course.  
(Short recess)5 MR. DODD: Q. Ms. Ellison, did  
6 anyone ever supervise you other than the Dean  
7 of the School of Sciences, whoever that may  
8 be?

9 A. No.

10 Q. In his role as your supervisor, do  
11 you think that Dr. Lawal had the authority to  
12 discharge you?

13 A. I think so.

14 Q. Did Chris Mahaffy have the  
15 authority to discharge you?

16 A. No.

17 Q. Dr. Lawal certainly had the  
18 authority to assign work to you, did he not?

19 A. Correct.

20 Q. Did Chris Mahaffy have that  
21 authority?22 A. Department Heads did give me work  
23 to do.

24 Q. What kind of work did Chris

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| <p style="text-align: right;">Page 54</p> <p>1      <i>Mahaffy give you to do?</i></p> <p>2      A. <i>I assisted with what we call the</i><br/>   3      <i>Jason Project. There were things that needed</i><br/>   4      <i>to be done, such as arrangements for the</i><br/>   5      <i>hiring of extra student workers to work</i><br/>   6      <i>during that -- I believe it was a one-week</i><br/>   7      <i>period. And he made the request to the Dean</i><br/>   8      <i>that I find the students for him.</i></p> <p>9      Q. <i>Did the Dean authorize you to do</i><br/>   10     <i>that?</i></p> <p>11     A. <i>Yes.</i></p> <p>12     Q. <i>Do you recall if the students that</i><br/>   13     <i>you found to work on the Jason Project were</i><br/>   14     <i>the same students who worked in the Dean's</i><br/>   15     <i>office?</i></p> <p>16     A. <i>The students in the Dean's office,</i><br/>   17     <i>I think there was one or two each time that</i><br/>   18     <i>would work on the project.</i></p> <p>19     Q. <i>On the Jason Project?</i></p> <p>20     A. <i>Right. We typically put notes up</i><br/>   21     <i>in classrooms.</i></p> <p>22     Q. <i>Did Dr. Lawal, in your opinion,</i><br/>   23     <i>have the authorization to reprimand you if</i><br/>   24     <i>the need arose?</i></p> <p>25     A. <i>Yes.</i></p>   | <p style="text-align: right;">Page 56</p> <p>1      Q. <i>Nobody else had that authority, did</i><br/>   2      <i>they?</i></p> <p>3      A. <i>He could recommend it. Someone</i><br/>   4      <i>had the authority to strike it down.</i></p> <p>5      Q. <i>Somebody above him?</i></p> <p>6      A. <i>Correct.</i></p> <p>7      Q. <i>Chris Mahaffy didn't have that</i><br/>   8      <i>authority with respect to your salary, did</i><br/>   9      <i>he?</i></p> <p>10     A. <i>Not my salary, no.</i></p> <p>11     Q. <i>Ms. Ellison, you have been the</i><br/>   12     <i>Dean's secretary the entire time of your</i><br/>   13     <i>employment?</i></p> <p>14     A. <i>Yes.</i></p> <p>15     Q. <i>Strike that, please.</i></p> <p>16     You were the Dean's secretary the<br/>   17     entire time of your employment at AUM?</p> <p>18     A. <i>That's correct.</i></p> <p>19     Q. <i>You were never promoted to another</i><br/>   20     <i>job?</i></p> <p>21     A. <i>Actually, I got an additional</i><br/>   22     <i>assignment with the Dean's secretary's job.</i></p> <p>23     Q. <i>What is that?</i></p> <p>24     A. <i>An advisor to students.</i></p> <p>25     Q. <i>How did that come about?</i></p>                                                                                                                                                                                                                   |
| <p style="text-align: right;">Page 55</p> <p>1      Q. <i>Did Chris Mahaffy have the</i><br/>   2      <i>authority to reprimand you?</i></p> <p>3      A. <i>He didn't have the authority.</i></p> <p>4      Q. <i>Did Dr. Lawal ever give you a job</i><br/>   5      <i>evaluation? A performance evaluation?</i></p> <p>6      A. <i>No.</i></p> <p>7      Q. <i>You have had performance</i><br/>   8      <i>evaluations in the past, though, have you</i><br/>   9      <i>not?</i></p> <p>10     A. <i>For the 20 years I was there, yes.</i></p> <p>11     Q. <i>Is it true that the Dean is the</i><br/>   12     <i>person who always did those performance</i><br/>   13     <i>evaluations for you?</i></p> <p>14     A. <i>That's correct.</i></p> <p>15     Q. <i>How frequently would you say that</i><br/>   16     <i>you received salary increases at AUM?</i></p> <p>17     A. <i>It depended on what went on in the</i><br/>   18     <i>legislature. Sometimes we got them every year.</i><br/>   19     <i>Sometimes they were every two years. It was</i><br/>   20     <i>four years one time.</i></p> <p>21     Q. <i>Did the Dean have the authority to</i><br/>   22     <i>determine how much of a raise you would get</i><br/>   23     <i>within the parameters that the legislature</i><br/>   24     <i>authorized?</i></p> <p>25     A. <i>Yes, he did.</i></p> | <p style="text-align: right;">Page 57</p> <p>1      A. <i>We needed an Advising Office. I</i><br/>   2      <i>was advising students all along about courses</i><br/>   3      <i>to take. And while Dr. Moody was Acting</i><br/>   4      <i>Dean, he approved the creation of a School of</i><br/>   5      <i>Sciences Advising Office and he recognized my</i><br/>   6      <i>ability to work with the students. He gave</i><br/>   7      <i>information to Dr. Lawal and Dr. Lawal</i><br/>   8      <i>carried the recommendation through. And I</i><br/>   9      <i>was appointed Senior Administrative</i><br/>   10     <i>Associate/Advisor.</i></p> <p>11     Q. <i>It's additional responsibilities?</i></p> <p>12     A. <i>Right. I actually had to go to</i><br/>   13     <i>the Advising Office to work several hours a</i><br/>   14     <i>day.</i></p> <p>15     Q. <i>And Deans Moody and Lawal are the</i><br/>   16     <i>individuals who facilitated that? Recognized</i><br/>   17     <i>your skill?</i></p> <p>18     A. <i>Dr. Moody started it and Dr. Lawal</i><br/>   19     <i>didn't change it when he came.</i></p> <p>20     Q. <i>Was anybody else involved in that</i><br/>   21     <i>opportunity for you in terms of approving it?</i></p> <p>22     A. <i>No.</i></p> <p>23     Q. <i>It's fair to say, is it not, that</i><br/>   24     <i>you have never been demoted while you were at</i><br/>   25     <i>AUM?</i></p> |

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|   | Page 58                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Page 60                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|---|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | <p>A. That's correct.</p> <p>Q. Did the Dean have to authority to demote you to something else?</p> <p>A. He was Dean. He had that authority.</p> <p>Q. You served at the pleasure of the Dean, did you not?</p> <p>A. Absolutely.</p> <p>Q. You had no contract of employment, did you?</p> <p>A. No.</p> <p>Q. Did you have any co-workers at AUM whom you would consider to be good friends?</p> <p>A. Ruby Jenkins.</p> <p>Q. Ruby Jenkins. Anybody else?</p> <p>A. Not good friends, no.</p> <p>Q. Other than the incidents involving Allison Stevens and Barbara Ware, did you ever have any sort of confrontation with any co-workers that you would consider significant?</p> <p>MS. RODGERS: Object.</p> <p>THE WITNESS: No. And I don't consider a -- I did not have a confrontation with Barbara Ware.</p> <p>MR. DODD: Q. Let's just call</p>                                                                                                                        | <p>1       </p> <p>Q. Do you contend that any other individual at AUM discriminated against you?</p> <p>A. I do.</p> <p>Q. Who else?</p> <p>A. Debra Foster, Allison Stevens, Dr. Ritvo.</p> <p>Q. Did anybody else discriminate against you?</p> <p>A. That's what I can recall right now.</p> <p>Q. Do you think there were others?</p> <p>A. I'm sorry. Chris Mahaffy. You said Chris Mahaffy.</p> <p>Q. We have him. We have Mahaffy, Foster, Stevens, and Ritvo.</p> <p>A. And Dr. Lawal.</p> <p>Q. Anybody else at AUM discriminate against you?</p> <p>A. Not that I can recall at this moment.</p> <p>Q. Do you think there are others, and you just can't recall them?</p> <p>A. Lots of incidents happened, and I can't recall every incident.</p> <p>Q. Since you have filed a federal</p>                                                                                                                                                                                                                                                                        |
| 1 | Page 59                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Page 61                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 2 | <p>them incidents then. Do you recall any confrontations or objectionable incidents with any other co-workers?</p> <p>A. Not that I recall.</p> <p>Q. In your job in the Dean's office, were you aware of the salaries of the other staff people in the School of Sciences?</p> <p>A. Yes. I did the payroll.</p> <p>Q. Were you the highest paid secretary in the School of Sciences?</p> <p>A. I was.</p> <p>Q. Do you know what Title VI is?</p> <p>A. Title VI, I don't think so.</p> <p>Q. Do you recall any occasion when Brad Moody secured some funds, federal funds, some of which he used to enhance your salary?</p> <p>A. They -- I don't know where the money came from. But for the advising, the additional advising responsibilities they gave me an additional \$2,000.</p> <p>Q. Is that on top of salary --</p> <p>A. It was included in the 40,000.</p> <p>Q. Do you contend, Ms. Ellison, that Chris Mahaffy discriminated against you?</p> <p>A. I do.</p> | <p>1       </p> <p>discrimination lawsuit, you think it's more or less likely that you would recall who you contend discriminated against you?</p> <p>4       </p> <p>MS. RODGERS: Objection.</p> <p>5       </p> <p>THE WITNESS: Those are the ones that discriminated against me.</p> <p>6       </p> <p>MR. DODD: Q. Now, Chris Mahaffy is white, correct?</p> <p>7       </p> <p>A. Yes.</p> <p>8       </p> <p>Q. Debra Foster is black?</p> <p>9       </p> <p>A. Correct.</p> <p>10     </p> <p>Q. Allison Stevens is white?</p> <p>11     </p> <p>A. Yes.</p> <p>12     </p> <p>Q. Roger Ritvo is white?</p> <p>13     </p> <p>A. Yes.</p> <p>14     </p> <p>Q. And Bayo Lawal is black?</p> <p>15     </p> <p>A. Correct.</p> <p>16     </p> <p>Q. How did Debra Foster discriminate against you?</p> <p>17     </p> <p>A. In filing my complaints in the Human Resource Office with Debra Foster, I did not receive the same treatment that others received. In particular, Chris Mahaffy. Chris was allowed a summary report. I asked for one, didn't get it.</p> |

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| Page 62                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Page 64                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| <p>1           Q. Let's back up one second. You<br/>     2        said when you filed your complaint. Which<br/>     3        complaint are you talking about?<br/>     4           A. Okay. Let's go with the first<br/>     5        complaint. I filed my complaint about<br/>     6        Allison Stevens, who called me a nigger.<br/>     7           Q. When did you file your complaint?<br/>     8           A. That complaint was filed in<br/>     9        December 2003.<br/>     10          Q. Was it in writing?<br/>     11          A. Yes.<br/>     12          Q. You filed that with Debra Foster?<br/>     13          A. Yes.<br/>     14          Q. Do you have a copy of that<br/>     15        complaint?<br/>     16          A. It should be with my materials.<br/>     17          Q. You do have a copy of it?<br/>     18          A. Yes.<br/>     19          Q. You have got to say "yes."<br/>     20        Now, with respect to that complaint<br/>     21        about Allison Stevens that you filed in<br/>     22        December 2003, how did Debra Foster<br/>     23        discriminate against you?<br/>     24          A. During the investigation she<br/>     25        interviewed all of the white witnesses. She</p>                                                                                                                                                                      | <p>1           But there were other investigations or<br/>     2        complaints that I'm sure had full attention<br/>     3        of HR. I don't feel like I got due process.<br/>     4           Q. How were you harmed by what you<br/>     5        claim Debra Foster didn't do, or were you<br/>     6        harmed?<br/>     7           A. Well, actually, I was. Because<br/>     8        when things -- when other things started<br/>     9        happening, I didn't have the confidence to<br/>     10       report it to HR because I knew nothing would<br/>     11       be done. So I was affected.<br/>     12          Q. How were you harmed, though? Were<br/>     13        you harmed in your job in any way?<br/>     14          A. Yes. I was harmed because --<br/>     15        well, I had worked there for 20 years and<br/>     16        never had to encounter the type behavior that<br/>     17        was coming at me. And that behavior was<br/>     18        coming at me because I was a black female.<br/>     19          Q. You are talking about Allison<br/>     20        Stevens now?<br/>     21          A. That's right. I even asked Debra<br/>     22        to come over to the area to see what kind of<br/>     23        atmosphere I was working in. Because I said<br/>     24        to her, "I am working in a hostile<br/>     25        environment." She didn't give any</p> |
| Page 63                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Page 65                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p>1        did not interview the black witness. And I<br/>     2        should say she didn't interview the black<br/>     3        witness until I called it to their attention,<br/>     4        and Dr. Nance made her go back and do it.<br/>     5           Q. Ultimately she did interview<br/>     6        everybody you wanted her to interview?<br/>     7          A. Not that I wanted her to<br/>     8        interview. Everybody that was party to the<br/>     9        incident.<br/>     10        Q. Did you want her to interview<br/>     11        anybody other than the ones she interviewed?<br/>     12          A. No.<br/>     13        Q. Did Debra Foster discriminate<br/>     14        against you in any other way with respect to<br/>     15        your complaint about Allison Stevens?<br/>     16          A. I think she did. In that I don't<br/>     17        think the investigation was a thorough one.<br/>     18        Q. Why was it not thorough?<br/>     19          A. Because when she called me over --<br/>     20        I'm trying to remember the date. When she<br/>     21        called me over and spoke with me in the<br/>     22        presence of Faye Ward, she said, "I have<br/>     23        never had a complaint like this before. I<br/>     24        really don't know what to do. You know<br/>     25        these people on this Campus are just crazy."</p> | <p>1        consideration to that. She never came over or<br/>     2        anything.<br/>     3           Q. What do you consider a hostile<br/>     4        environment?<br/>     5          A. I consider a hostile environment<br/>     6        one in which you can't successfully do your<br/>     7        work. One that someone has made so<br/>     8        impossible to work in that you are paying<br/>     9        attention to things around you, people around<br/>     10       you rather than the work you can get done.<br/>     11        Q. Did Allison Stevens cause that?<br/>     12          A. Allison and Chris Mahaffy.<br/>     13        Q. We will get to Mahaffy in a<br/>     14        minute. I am concerned right now about your<br/>     15        contention with respect to Debra Foster and<br/>     16        Allison Stevens. Okay?<br/>     17          A. Okay.<br/>     18        Q. Now, you say Debra Foster initially<br/>     19        interviewed only the white witnesses and that<br/>     20        she didn't do a thorough investigation, right?<br/>     21          A. That's right.<br/>     22        Q. Did she discriminate against you in<br/>     23        any other fashion concerning the Allison<br/>     24        Stevens incident?<br/>     25          A. What do you mean "any other"</p>                                                                              |

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|    | Page 66                                                                                                                                                                                |    | Page 68                                                                                                                                                                                                                                                                                                                                     |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1  | fashion"?                                                                                                                                                                              | 1  | November the 30th, 2004, and your subsequent submission of a memorandum to him?                                                                                                                                                                                                                                                             |
| 2  | Q. Did she discriminate against you by doing, or not doing else in connection with that investigation or that incident?                                                                | 2  | A. That was initiated by his behavior at the end of the first -- at the failing of the first Dean search and I reported it to my supervisors. And I talked to -- well, I tried to talk to Debra Foster about it, but I ended up talking to Faye Ward about it, who referred me back to my supervisors to follow the right chain-of-command. |
| 3  |                                                                                                                                                                                        | 3  |                                                                                                                                                                                                                                                                                                                                             |
| 4  |                                                                                                                                                                                        | 4  |                                                                                                                                                                                                                                                                                                                                             |
| 5  | A. Right. She did not follow through with the investigation. She did not do what she was supposed to do. I was just asking her to do her job.                                          | 5  |                                                                                                                                                                                                                                                                                                                                             |
| 6  |                                                                                                                                                                                        | 6  |                                                                                                                                                                                                                                                                                                                                             |
| 7  |                                                                                                                                                                                        | 7  |                                                                                                                                                                                                                                                                                                                                             |
| 8  |                                                                                                                                                                                        | 8  |                                                                                                                                                                                                                                                                                                                                             |
| 9  | Q. What did she not do?                                                                                                                                                                | 9  |                                                                                                                                                                                                                                                                                                                                             |
| 10 | MS. RODGERS: Object to form.                                                                                                                                                           | 10 |                                                                                                                                                                                                                                                                                                                                             |
| 11 | MR. DODD: Q. What do you contend she did not do?                                                                                                                                       | 11 |                                                                                                                                                                                                                                                                                                                                             |
| 12 |                                                                                                                                                                                        | 12 |                                                                                                                                                                                                                                                                                                                                             |
| 13 | A. She didn't follow through with the process of interviewing the witnesses. I complained to Dr. Nance. Dr. Nance redirected her. And that's when she interviewed the black witnesses. | 13 |                                                                                                                                                                                                                                                                                                                                             |
| 14 |                                                                                                                                                                                        | 14 |                                                                                                                                                                                                                                                                                                                                             |
| 15 |                                                                                                                                                                                        | 15 |                                                                                                                                                                                                                                                                                                                                             |
| 16 |                                                                                                                                                                                        | 16 |                                                                                                                                                                                                                                                                                                                                             |
| 17 |                                                                                                                                                                                        | 17 |                                                                                                                                                                                                                                                                                                                                             |
| 18 | Q. Ultimately every witness was interviewed, right?                                                                                                                                    | 18 |                                                                                                                                                                                                                                                                                                                                             |
| 19 |                                                                                                                                                                                        | 19 |                                                                                                                                                                                                                                                                                                                                             |
| 20 | MS. RODGERS: Object.                                                                                                                                                                   | 20 |                                                                                                                                                                                                                                                                                                                                             |
| 21 | THE WITNESS: Yes.                                                                                                                                                                      | 21 |                                                                                                                                                                                                                                                                                                                                             |
| 22 | MR. DODD: Q. Now, are you contending that Debra Foster discriminated against you because of your race?                                                                                 | 22 |                                                                                                                                                                                                                                                                                                                                             |
| 23 |                                                                                                                                                                                        | 23 |                                                                                                                                                                                                                                                                                                                                             |
| 24 |                                                                                                                                                                                        | 24 |                                                                                                                                                                                                                                                                                                                                             |
| 25 | A. I'm contending that she                                                                                                                                                             | 25 |                                                                                                                                                                                                                                                                                                                                             |
|    | Page 67                                                                                                                                                                                |    | Page 69                                                                                                                                                                                                                                                                                                                                     |
| 1  | discriminated against me in treating me differently from other cases that she had investigated.                                                                                        | 1  | A. Let me think a minute.                                                                                                                                                                                                                                                                                                                   |
| 2  | Q. Do you contend that she treated you differently for any particular reason?                                                                                                          | 2  | Q. Okay.                                                                                                                                                                                                                                                                                                                                    |
| 3  | MS. RODGERS: Object to form.                                                                                                                                                           | 3  | A. Okay. The spring search would have started -- I mean the search would have started winter and spring of '03. The failed -- at the end of that spring and the incident with Allison was in December of '03.                                                                                                                               |
| 4  | THE WITNESS: I think she treated                                                                                                                                                       | 4  |                                                                                                                                                                                                                                                                                                                                             |
| 5  | me differently because she just didn't like                                                                                                                                            | 5  |                                                                                                                                                                                                                                                                                                                                             |
| 6  | me. Now, I am going to be honest with you.                                                                                                                                             | 6  |                                                                                                                                                                                                                                                                                                                                             |
| 7  | MR. DODD: Q. Did Allison Stevens                                                                                                                                                       | 7  |                                                                                                                                                                                                                                                                                                                                             |
| 8  | -- strike that, please.                                                                                                                                                                | 8  |                                                                                                                                                                                                                                                                                                                                             |
| 9  | Did Debra Foster -- do you contend                                                                                                                                                     | 9  |                                                                                                                                                                                                                                                                                                                                             |
| 10 | that Debra Foster discriminated against you at                                                                                                                                         | 10 |                                                                                                                                                                                                                                                                                                                                             |
| 11 | any time after the Allison Stevens incident                                                                                                                                            | 11 |                                                                                                                                                                                                                                                                                                                                             |
| 12 | was completed?                                                                                                                                                                         | 12 |                                                                                                                                                                                                                                                                                                                                             |
| 13 | A. During the second investigation                                                                                                                                                     | 13 |                                                                                                                                                                                                                                                                                                                                             |
| 14 | with Chris Mahaffy.                                                                                                                                                                    | 14 |                                                                                                                                                                                                                                                                                                                                             |
| 15 | Q. Now, which one was that? Which                                                                                                                                                      | 15 |                                                                                                                                                                                                                                                                                                                                             |
| 16 | investigation was that?                                                                                                                                                                | 16 |                                                                                                                                                                                                                                                                                                                                             |
| 17 | A. When I complained that Chris'                                                                                                                                                       | 17 |                                                                                                                                                                                                                                                                                                                                             |
| 18 | behavior had changed. His personality had                                                                                                                                              | 18 |                                                                                                                                                                                                                                                                                                                                             |
| 19 | changed to the point where I was fearful for                                                                                                                                           | 19 |                                                                                                                                                                                                                                                                                                                                             |
| 20 | being in the office.                                                                                                                                                                   | 20 |                                                                                                                                                                                                                                                                                                                                             |
| 21 | Q. Is that the -- was that initiated                                                                                                                                                   | 21 |                                                                                                                                                                                                                                                                                                                                             |
| 22 | by your conversation with Roger Ritvo on                                                                                                                                               | 22 |                                                                                                                                                                                                                                                                                                                                             |
| 23 |                                                                                                                                                                                        | 23 |                                                                                                                                                                                                                                                                                                                                             |
| 24 |                                                                                                                                                                                        | 24 |                                                                                                                                                                                                                                                                                                                                             |
| 25 |                                                                                                                                                                                        | 25 |                                                                                                                                                                                                                                                                                                                                             |

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|----|----------------------------------------------|----|----------------------------------------------|
| 1  | would come to work in the mornings. He       | 1  | A. Yes. It sent him over the top.            |
| 2  | would be sitting at my desk crying or just   | 2  | Q. He was upset that he was not              |
| 3  | sitting there. That happened several days in | 3  | selected to be Dean, right?                  |
| 4  | a row saying that I should be Dean. Making   | 4  | A. He came to me and he told me that         |
| 5  | comments about what he could do if he were   | 5  | he thought I had something to do it with it. |
| 6  | Dean. He appeared to me to be unstable, so   | 6  | Q. On occasions after that you               |
| 7  | I went to the -- okay. I reported it.        | 7  | observed him sitting at your desk?           |
| 8  | Q. You reported it or recorded it?           | 8  | A. Right.                                    |
| 9  | A. I reported it to the Dean at the          | 9  | Q. And sometimes he was crying?              |
| 10 | time.                                        | 10 | A. Right.                                    |
| 11 | Q. Who was?                                  | 11 | Q. You thought that something was            |
| 12 | MS. RODGERS: Take your time.                 | 12 | wrong, right?                                |
| 13 | THE WITNESS: I'm trying to get my            | 13 | A. Something was wrong.                      |
| 14 | time line right with the Dean searches.      | 14 | Q. What was wrong?                           |
| 15 | That's the important thing.                  | 15 | A. He said that he blamed me for not         |
| 16 | MR. DODD: Q. You told me                     | 16 | being selected as Dean. He thought I had     |
| 17 | earlier that Brad Moody was Dean from        | 17 | some influence over even the first search.   |
| 18 | December '02 through August '04. The first   | 18 | And I wasn't even on the Committee.          |
| 19 | Dean search ended in '03, and Brad Moody was | 19 | Q. What other behaviors did he exhibit       |
| 20 | the Dean, correct?                           | 20 | at that time that disturbed you?             |
| 21 | A. That's right. Because Glen Ray            | 21 | A. His countenance was different.            |
| 22 | and Brad Moody spoke with Chris about his    | 22 | Q. How so?                                   |
| 23 | behavior. But in the meantime I had said     | 23 | A. He looked -- how should I say it?         |
| 24 | something to Faye Ward in HR. She told me I  | 24 | He didn't look like he had -- his hygiene    |
| 25 | needed to talk to Debra Foster and my        | 25 | was not intact.                              |
|    | Page 71                                      |    | Page 73                                      |
| 1  | supervisors, but to report it to my          | 1  | Q. His what?                                 |
| 2  | supervisors first.                           | 2  | A. Hygiene. He wasn't shaven. He             |
| 3  | Q. And you did?                              | 3  | said he had come to the office. He couldn't  |
| 4  | A. I did.                                    | 4  | sleep at night and he had come to the office |
| 5  | Q. Did you make this report in               | 5  | at 4:00 o'clock that morning and came in.    |
| 6  | writing?                                     | 6  | He was sitting there waiting on me.          |
| 7  | A. I put everything in writing.              | 7  | Q. How many times did that occur that        |
| 8  | Let's see. At this time I talked to -- I     | 8  | he would be sitting at your desk?            |
| 9  | had a meeting with Glen and Brad. I spoke    | 9  | A. Two times. The first time was in          |
| 10 | to Faye. And I did not talk to Debra during  | 10 | the dark. I unlocked my office, went in to   |
| 11 | that because I didn't think it would help.   | 11 | go to my desk. Flipped the light on and      |
| 12 | I'm getting confused here.                   | 12 | when I got around to where I was supposed to |
| 13 | MS. RODGERS: You take your time              | 13 | sit, there was Chris.                        |
| 14 | and answer his questions. If you can         | 14 | Q. All right. Now, you reported it           |
| 15 | remember, you remember. But don't get        | 15 | to Brad Moody?                               |
| 16 | stressed about how much time you are taking. | 16 | A. I reported it to Brad Moody and to        |
| 17 | THE WITNESS: Okay.                           | 17 | Glen Ray.                                    |
| 18 | MR. DODD: Q. Let's back up a                 | 18 | Q. Glen Ray was the Associate Dean,          |
| 19 | little bit. Maybe this will help you.        | 19 | was he not?                                  |
| 20 | A. Okay.                                     | 20 | A. Right.                                    |
| 21 | Q. Mahaffy didn't make the short list        | 21 | Q. He reported to Brad?                      |
| 22 | for the first Dean search, and obviously he  | 22 | A. Right.                                    |
| 23 | was not selected?                            | 23 | Q. You think you put it in writing           |
| 24 | A. Right.                                    | 24 | because you put everything in writing?       |
| 25 | Q. That irritated him, did it not?           | 25 | A. Well, I didn't say I put                  |

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| <p style="text-align: right;">Page 74</p> <p>1        everything in writing. I say what I said<br/>     2        earlier. There was so many incidents that I<br/>     3        don't remember all of them. I do remember<br/>     4        that every time an incident happened I<br/>     5        reported it to the proper person.</p> <p>6        Q. But you also did not report it to<br/>     7        Debra Foster, correct?</p> <p>8        A. I reported it to HR. I did talk<br/>     9        to Faye Ward.</p> <p>10      Q. You didn't talk to Debra Foster --</p> <p>11      A. Not at this time.</p> <p>12      Q. Because you didn't think it would<br/>     13     help, right?</p> <p>14      A. I didn't.</p> <p>15      Q. At least with respect to that<br/>     16     incident, Debra Foster could not have<br/>     17     discriminated against you because you didn't<br/>     18     report it to her, right?</p> <p>19      MS. RODGERS: Object to form.</p> <p>20      THE WITNESS: Okay.</p> <p>21      MR. DODD: Q. Do you agree with<br/>     22     that?</p> <p>23      A. Okay.</p> <p>24      Q. Is that a "yes."</p> <p>25      A. Yes.</p> | <p style="text-align: right;">Page 76</p> <p>1        unless something was done with Chris.</p> <p>2        Q. How long after this incident we<br/>     3        have been talking about with Chris, did that<br/>     4        conversation take place?</p> <p>5        A. At least a couple of weeks. If<br/>     6        not more.</p> <p>7        Q. Do you know if Brad Moody or Glen<br/>     8        Ray or both of them had any meetings or<br/>     9        discussions with Chris Mahaffy about the<br/>     10      report you made?</p> <p>11      A. They did meet with Chris.</p> <p>12      Q. Were you there?</p> <p>13      A. I was in one of the meetings.</p> <p>14      Q. How many meetings did they have?</p> <p>15      A. I can't tell you how many they<br/>     16     had. They had several that I wasn't involved<br/>     17     in.</p> <p>18      Q. How many meetings did you attend?</p> <p>19      One?</p> <p>20      A. One.</p> <p>21      Q. When was that?</p> <p>22      A. It was about -- about four weeks<br/>     23     later, they called me in the office with<br/>     24     Chris. It was Chris, me -- Dr. Mahaffy, me,<br/>     25     Glen and Brad. And they told me that Chris</p>                                                    |
| <p style="text-align: right;">Page 75</p> <p>1        Q. Now, you said you talked to Faye<br/>     2        Ward?</p> <p>3        A. Right.</p> <p>4        Q. And Faye Ward told you you needed<br/>     5        to go to Debra Foster?</p> <p>6        A. She said I needed to go back to<br/>     7        the chain-of-command and come back to Debra<br/>     8        Foster, because Debra Foster was the EEOC<br/>     9        person there.</p> <p>10      Q. And you declined to do that,<br/>     11     right?</p> <p>12      MS. RODGERS: Object to form.</p> <p>13      THE WITNESS: I declined --</p> <p>14      MR. DODD: Q. You declined to go<br/>     15     to Debra Foster?</p> <p>16      A. I went to my supervisors, yes.</p> <p>17      Q. Instead?</p> <p>18      A. Uh-huh.</p> <p>19      Q. You have got to say "yes."</p> <p>20      A. Yes.</p> <p>21      Q. What did Brad Moody and Glen Ray<br/>     22     do with your report?</p> <p>23      A. At first they didn't do anything.<br/>     24     And when the behavior continued, I told them<br/>     25     that I was no longer willing to work there</p>                             | <p style="text-align: right;">Page 77</p> <p>1        had agreed that he needed to see somebody.<br/>     2        Glen was going to find somebody for him to<br/>     3        see. And Glen assured me that he would not<br/>     4        let him go alone. That he would go with<br/>     5        him.</p> <p>6        Q. Do you know Glen's training?</p> <p>7        A. He is a psychologist.</p> <p>8        Q. Do you know what he meant --<br/>     9        strike that.</p> <p>10      Did he tell you what he meant when<br/>     11     he said that Chris would see somebody?</p> <p>12      A. Yes, he did.</p> <p>13      Q. What did he say?</p> <p>14      A. Chris was not present. After the<br/>     15     meeting was over Glen told me that his wife<br/>     16     is also in counseling. I don't know what<br/>     17     she does exactly, but that he was going to<br/>     18     ask his wife to recommend somebody that Chris<br/>     19     could see. And that he was going to be sure<br/>     20     that Chris saw that person.</p> <p>21      Q. Did you have any understanding of<br/>     22     what Glen was talking about?</p> <p>23      A. Yes.</p> <p>24      Q. What was your understanding?</p> <p>25      A. That he was going to see a</p> |

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| <p style="text-align: right;">Page 78</p> <p>1 psychiatrist, or psychologist, or whoever. I<br/>2 don't know.</p> <p>3 Q. Did you believe that Glen thought<br/>4 that Mahaffy had psychiatric or psychological<br/>5 problems?</p> <p>6 A. He told me so. He told me that<br/>7 he thought he had.</p> <p>8 Q. Did he tell you what condition he<br/>9 thought Mahaffy suffered from?</p> <p>10 A. He did not.</p> <p>11 Q. Did you ever have an opinion of<br/>12 what condition Mahaffy suffered from?</p> <p>13 A. Ever?</p> <p>14 MS. RODGERS: Object to form.</p> <p>15 THE WITNESS: I have no idea. I<br/>16 don't know the names of the conditions. I<br/>17 just knew he made me afraid.</p> <p>18 MR. DODD: Q. Do you believe<br/>19 that he did have a psychological or<br/>20 psychiatric condition of some kind?</p> <p>21 A. Based on what Glen said, yes.</p> <p>22 Q. What about based on your own<br/>23 observation?</p> <p>24 A. Based on my observation I could<br/>25 tell something was wrong. I am not a</p>                                     | <p style="text-align: right;">Page 80</p> <p>1 of Sciences Computing Center Director because<br/>2 the job had become vacant. And I told him<br/>3 to go over to see Debra to see about<br/>4 applying for the job. And he did apply for<br/>5 the job, as well as several others, including<br/>6 Bo Holt, H-o-l-t, who now has the job. And<br/>7 Debra -- well, during the course of the<br/>8 applications and everything that you do for<br/>9 the jobs in selecting the person to be<br/>10 interviewed, Jessie was told by Debra not to<br/>11 make waves because he wasn't being interviewed<br/>12 for the job. To just go back and don't<br/>13 worry about it. And -- well, I talked to<br/>14 Debra about it. And I believe -- well, I<br/>15 believe in every subsequent thing that I had<br/>16 to say or do, she didn't want to hear<br/>17 anything else I had to say. Nothing. Whether<br/>18 it dealt with payroll, or any other personnel<br/>19 matters. Anything.</p> <p>20 Q. You kind of lost me here. Let's<br/>21 back up and see if I can understand it.<br/>22 Okay.</p> <p>23 When did Jessie Clayton apply for<br/>24 this job?</p> <p>25 A. I don't remember.</p> |
| <p style="text-align: right;">Page 79</p> <p>1 doctor, so I don't know that for a fact.<br/>2 But based on what I observed.</p> <p>3 Q. Did that conclusion -- did that<br/>4 result satisfy you?</p> <p>5 MS. RODGERS: Objection.</p> <p>6 THE WITNESS: It satisfied me for<br/>7 the moment that he said he was going to take<br/>8 him to see somebody, but his behavior didn't<br/>9 stop.</p> <p>10 MR. DODD: Q. Do you know if<br/>11 he, in fact, took Chris Mahaffy to see<br/>12 somebody?</p> <p>13 A. I do not know that for a fact.</p> <p>14 Q. Ms. Ellison, do you contend that<br/>15 Debra Foster discriminated against you with<br/>16 respect to any other investigation or any<br/>17 other complaint you raised?</p> <p>18 A. Not that I raised.</p> <p>19 Q. Do you contend that she<br/>20 discriminated against you with respect to a<br/>21 complaint that anyone raised?</p> <p>22 A. Well, I do actually.</p> <p>23 Q. Tell me about it.</p> <p>24 A. Jessie Clayton, who was a black<br/>25 student, applied for the -- to be the School</p> | <p style="text-align: right;">Page 81</p> <p>1 Q. Do you remember the year?</p> <p>2 A. It had to be 2002, I believe, or<br/>3 '03.</p> <p>4 Q. And Bo Holt is a student?</p> <p>5 A. 2003. He was a student, yes. He<br/>6 was a student worker in one of the other<br/>7 schools.</p> <p>8 Q. Is he white or black?</p> <p>9 A. He is white.</p> <p>10 Q. I'm sorry.</p> <p>11 A. He is white.</p> <p>12 Q. He got the job, right?</p> <p>13 A. He did.</p> <p>14 Q. Do you think there is something<br/>15 sinister about that?</p> <p>16 MS. RODGERS: Object to form.</p> <p>17 MR. DODD: Q. Do you think there<br/>18 is something discriminatory about that?</p> <p>19 A. We changed the job description to<br/>20 fit his credentials. We took off the<br/>21 requirement for a Bachelor's Degree at the<br/>22 request of Debra Foster.</p> <p>23 Q. Are you suggesting or contending<br/>24 that Jessie Clayton was more qualified for<br/>25 that job than Bo Holt?</p>                                                                                                                                                                                                               |

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|    | Page 82                                                                                                                                                                                                    |    | Page 84                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 1  | A. In my opinion he was.                                                                                                                                                                                   | 1  | A. Well, I don't know much about it myself. I do know that it arose because Barbara was -- I didn't know until later.                                                                                                                                                                                                                                                                                                                                                 |
| 2  | Q. How did that affect you, though?                                                                                                                                                                        | 2  | She was off Campus, and I was getting materials together for payroll. I had to do payroll that next day. I called her office several times. Actually, I think I called the first time looking for Chris, and I didn't get an answer. And I called the second time because I was doing payroll.                                                                                                                                                                        |
| 3  | A. My conversation with Debra about how I thought Jessie had been treated, I think that affected her attitude towards me.                                                                                  | 3  | Barbara had turned in her time sheet, and she had left Friday on that particular time sheet blank. So I was trying to get in touch with Barbara to find out whether it was going to be leave, or whether she was working, whatever the situation was going to be. Chris informed me the next day that Barbara had taken leave. He had given Barbara permission to leave that afternoon. I was just calling to be sure she wasn't going to be docked for a day's work. |
| 4  | Q. And that affected the way she dealt with you on issues that came up subsequently?                                                                                                                       | 4  | That next day, if I recall correctly, Bayo called me into his office and said that Barbara had filed a complaint with Debra Foster about my calling her office.                                                                                                                                                                                                                                                                                                       |
| 5  | A. That's right.                                                                                                                                                                                           | 5  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 6  | Q. Do you think Debra Foster's attitude toward you that you have described has anything to do with the fact that you are black, or is it more likely that, as you said earlier, she just doesn't like you? | 6  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 7  | MS. RODGERS: Object to the form.                                                                                                                                                                           | 7  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 8  | THE WITNESS: I don't know how to answer that. I guess only she can answer that.                                                                                                                            | 8  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 9  | MR. DODD: Q. Do you think that Debra Foster took any action, or refused to take any action that needed to be taken about anything, because you are black?                                                  | 9  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 10 | MS. RODGERS: Object to form.                                                                                                                                                                               | 10 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 11 | THE WITNESS: I can't answer that either.                                                                                                                                                                   | 11 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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|    | Page 83                                                                                                                                                                                                                                    |    | Page 85                                                                                                                                                                                                                                                                                                                                 |
| 1  | MR. DODD: Q. Why can't you answer that?                                                                                                                                                                                                    | 1  | And that's all I knew.                                                                                                                                                                                                                                                                                                                  |
| 2  | A. Because what action she takes depends on what she thinks, not on what I think.                                                                                                                                                          | 2  | He says, "All I can tell you is I have gone over, and I have spoken with Debra. I read the complaint. The complaint is three pages long."                                                                                                                                                                                               |
| 3  | Q. I am just asking if you believe that.                                                                                                                                                                                                   | 3  | He says, "We are going to talk to Barbara, and nothing will come of it."                                                                                                                                                                                                                                                                |
| 4  | A. Repeat your question.                                                                                                                                                                                                                   | 4  | I said, "What do you mean nothing will come of it?"                                                                                                                                                                                                                                                                                     |
| 5  | Q. Yes. Do you think that Debra Foster took any action, or refused to take any action that she should have taken about anything, because you are black?                                                                                    | 5  | He said, "Debra and I both read the complaint, and we feel like it's been embellished by Chris Mahaffy."                                                                                                                                                                                                                                |
| 6  | MS. RODGERS: Object to form.                                                                                                                                                                                                               | 6  | Because Barbara had only been there for several months. I never saw the complaint. I never fully understood why she complained. Debra Foster and Bayo Lawal immediately met with me in the conference room in the Dean's office and said -- I had something in writing to give to them to tell them what occurred. They didn't want it. |
| 7  | THE WITNESS: Not because I am black per se, no.                                                                                                                                                                                            | 7  | They said, "Don't worry about this. This is frivolous. This is something that Chris has done. She wasn't here long enough to even know what she had written about in the complaint." I asked them again at that                                                                                                                         |
| 8  | MR. DODD: Q. Ms. Ellison, are there any other events, complaints, investigations or incidents involving yourself and Debra Foster where you think she mistreated you, or discriminated against you, other than the ones we have discussed? | 8  |                                                                                                                                                                                                                                                                                                                                         |
| 9  | A. I think she mistreated me during the Barbara Ware incident.                                                                                                                                                                             | 9  |                                                                                                                                                                                                                                                                                                                                         |
| 10 | Q. Okay. Tell me about the Barbara Ware incident, what you recall?                                                                                                                                                                         | 10 |                                                                                                                                                                                                                                                                                                                                         |
| 11 |                                                                                                                                                                                                                                            | 11 |                                                                                                                                                                                                                                                                                                                                         |
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| <p style="text-align: right;">Page 86</p> <p>1 time if I could see the complaint. They<br/>2 refused.<br/>3 After that she said, "If you will<br/>4 just tell me that you will be mindful of<br/>5 Barbara's feelings and everything will be<br/>6 fine."<br/>7 I said, "Well, I will be mindful<br/>8 of her feelings, but I don't know what's<br/>9 happening." And that's the way the meeting<br/>10 ended.<br/>11 Later that afternoon, I believe it<br/>12 was a student worker from Debra's office,<br/>13 delivered a letter to Dr. Lawal. I asked<br/>14 Dr. Lawal was it concerning our meeting. He<br/>15 said, "Yes." That Debra had sent him a<br/>16 letter and Barbara a letter. I complained --<br/>17 or I asked him, "Why did you and Barbara get<br/>18 a letter, and I didn't get a letter?" I<br/>19 wrote a memo to that effect to Dr. Lawal<br/>20 copying Debra Foster. That's all I know<br/>21 about Barbara Ware's complaint. I was<br/>22 involved in it, but I really don't know what<br/>23 the complaint said.<br/>24 Q. Have you ever seen it?<br/>25 A. I have never seen it.</p> | <p style="text-align: right;">Page 88</p> <p>1 lied to. She told me that "This was nothing<br/>2 and don't worry about it." Then all of a<br/>3 sudden it became a big deal.<br/>4 Q. Do you have any other complaint<br/>5 about the manner in which Debra Foster<br/>6 treated you, investigated the complaint, or<br/>7 handled anything official?<br/>8 A. I don't think she did her job in<br/>9 respect to my complaints, as I observed it.<br/>10 I had to go back, as I said, to Dr. Nance,<br/>11 at least once, maybe twice, to get her to<br/>12 investigate the Allison Stevens situation.<br/>13 Q. We talked about that already.<br/>14 A. Right.<br/>15 Q. I am talking about anything new.<br/>16 A. Not Debra Foster that I can<br/>17 recall.<br/>18 Q. Now, Allison Stevens was a<br/>19 co-worker of yours, was she not?<br/>20 A. That's correct.<br/>21 Q. She was the secretary for Physical<br/>22 Sciences?<br/>23 A. Right.<br/>24 Q. She was not a supervisor, right?<br/>25 A. No.</p> |
| <p style="text-align: right;">Page 87</p> <p>1 Q. Have you had any disagreements with<br/>2 Barbara Ware?<br/>3 A. I haven't had any disagreements<br/>4 with her. The only thing that I can recall<br/>5 that we may have discussed was that Barbara<br/>6 wanted to take lunch between 1:00 and 2:00<br/>7 and 2:00 and 3:00. And because I needed to<br/>8 know where all the secretaries were, because<br/>9 the Deans required that, I told her that when<br/>10 she takes late lunches, she needed to let me<br/>11 know or transfer her calls to my office.<br/>12 She didn't like it, and she complained to<br/>13 Chris.<br/>14 Q. Do you have any idea why she did<br/>15 not like that?<br/>16 A. No.<br/>17 Q. Do you know if Chris Mahaffy had<br/>18 given her any different allowances regarding<br/>19 her lunchtime?<br/>20 A. Neither Chris nor Barbara<br/>21 communicated anything to me.<br/>22 Q. And tell me now why this is an<br/>23 issue with Debra Foster because she wouldn't<br/>24 show you a copy of the letter?<br/>25 A. Because I was mistreated. I was</p>                    | <p style="text-align: right;">Page 89</p> <p>1 Q. A part of that controversy -- or<br/>2 the entire controversy had to do with Allison<br/>3 Stevens using a racial slur with you, right?<br/>4 A. That's what it escalated into, yes.<br/>5 Q. I believe from some of the<br/>6 documents I have seen that you said she did<br/>7 not really say the "N" word, but she came<br/>8 close to saying it.<br/>9 A. She said it enough for me to know<br/>10 what she said.<br/>11 Q. There is really no difference<br/>12 between saying it or saying part of it,<br/>13 right?<br/>14 A. She said it. I heard what she<br/>15 said.<br/>16 Q. I'm not going to argue phonetics<br/>17 with you here.<br/>18 A. Right.<br/>19 Q. In your mind, you are certain that<br/>20 she either said it, intended to say it, but<br/>21 the meaning was clear, right?<br/>22 A. The meaning was clear.<br/>23 Q. That happened on December the 23rd,<br/>24 right, 2003?<br/>25 A. It happened in the early part of</p>         |

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|    | Page 90                                                                                                                                                                                                                 |    | Page 92                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1  | the first week of December, yes.                                                                                                                                                                                        | 1  | <i>Then she turned around and she stood up, and she just screamed at me.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 2  | Q. Brad Moody was the Dean?                                                                                                                                                                                             | 2  | Q. How long did this last?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 3  | A. Yes.                                                                                                                                                                                                                 | 3  | A. Not more than two or three minutes.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 4  | Q. Your Dean?                                                                                                                                                                                                           | 4  | Q. In addition to the slur, what other things did she say?                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 5  | A. Yes.                                                                                                                                                                                                                 | 5  | A. She was saying, "You make me sick. You make me sick. Why don't you retire? Everybody wants you to retire anyway." She said a lot of things. At the end of those things, she said, "You nigger."                                                                                                                                                                                                                                                                                                                                      |
| 6  | Q. Glen Ray was the Associate Dean?                                                                                                                                                                                     | 6  | And I said, "What did you say?"                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 7  | A. Correct.                                                                                                                                                                                                             | 7  | And that's just the way I said it. I said, "What did you say?" And I said, "Allison, I am through with this."                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 8  | Q. And Chris Mahaffy was Allison                                                                                                                                                                                        | 8  | So I went back to my office and I told Randy. I said "She is working in banner." I said, "But I have taken the sign off the door. If you need assistance, you can go back to Allison."                                                                                                                                                                                                                                                                                                                                                  |
| 9  | Steele's supervisor?                                                                                                                                                                                                    | 9  | Shortly thereafter Mahaffy came in the office. And I told him what happened and I told him the things that Allison said and that she called me a nigger.                                                                                                                                                                                                                                                                                                                                                                                |
| 10 | A. Stevens.                                                                                                                                                                                                             | 10 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 11 | Q. Stevens, sorry.                                                                                                                                                                                                      | 11 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 12 | And this event happened, did it not, when none of those three was in the office?                                                                                                                                        | 12 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 13 | A. Correct.                                                                                                                                                                                                             | 13 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 14 | Q. Perhaps at lunchtime or thereabouts?                                                                                                                                                                                 | 14 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 15 | A. No. It was -- I'm certain it was around 10:00 or 10:30 that morning. Randy Richardson and two students came in and asked me why Allison's door was closed with a do not disturb sign on it.                          | 15 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 16 | Q. And you went to see?                                                                                                                                                                                                 | 16 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 17 | A. Right.                                                                                                                                                                                                               | 17 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 18 | Q. Tell me what happened.                                                                                                                                                                                               | 18 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 19 |                                                                                                                                                                                                                         | 19 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| 25 |                                                                                                                                                                                                                         | 25 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|    | Page 91                                                                                                                                                                                                                 |    | Page 93                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 1  | A. I remember that Randy and the two students that were with him stayed in my office. There was a student worker there for me. She was at her desk.                                                                     | 1  | Q. Now, what happened that afternoon with respect to Brad?                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 2  | You can gain entry to Allison's area through our conference room. So rather than go all of the way down the hallway, I went through the conference room. I opened the back side of the door to where Allison is seated. | 2  | A. That afternoon there was a meeting with me, Brad, as I recall Glen and Allison.                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 3  | And I said, "Randy is in the office with a couple of students and he needs to talk to you, but he said there is a do not disturb sign on the door." I said, "Can you tell me what's going on?"                          | 3  | Q. Was Chris in the meeting?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 4  |                                                                                                                                                                                                                         | 4  | A. Yes. Chris was in the meeting.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 5  | She says, "Well, I am putting in the banner numbers." We have a banner system for registration, and each secretary would take their turn entering their numbers for their particular courses.                           | 5  | And Allison admitted to saying mean and ugly things. Brad took it to mean -- well, and then I said, "You called me" and Brad stopped me in mid sentence and said, "I am not going to let you and Allison turn this meeting into going back and forth at each other." He said, "Allison, you have to work with Cynthia. Cynthia, you have to work with Allison. Chris, you need to let Cynthia know when you have given Allison permission to close her door and do whatever." That's pretty much the gist of the meeting that I recall. |
| 6  | I said, "Well, I don't think we can close the door like this in the middle of the morning." I said, "If you need time to do it, you need to either let me know what's going on and transfer your calls."                | 6  | Q. Who called the meeting?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 7  |                                                                                                                                                                                                                         | 7  | A. I believe Brad called it.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 8  |                                                                                                                                                                                                                         | 8  | Q. How did Brad find out about the confrontation?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 9  |                                                                                                                                                                                                                         | 9  | A. I assume Chris told him. I didn't tell Brad then. Or Glen might have told                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 10 |                                                                                                                                                                                                                         | 10 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| 25 |                                                                                                                                                                                                                         | 25 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

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1 him. I really don't remember. I know we  
 2 had a meeting about it.

3 Q. Until the meeting occurred, Mahaffy  
 4 was the only person you had told, correct?

5 A. That was her supervisor.

6 Q. But that's the only person you  
 7 told, right?

8 A. That's right.

9 Q. Were you satisfied with Brad  
 10 Moody's handling of the meeting?

11 MS. RODGERS: Object to form.

12 THE WITNESS: I wasn't satisfied.  
 13 Brad was trying to make peace. He wasn't  
 14 addressing the issue. Because I still raised  
 15 issue that I had been called a name. If you  
 16 believe that she said these other things, why  
 17 can't you believe she said that. I not only  
 18 had issue with Brad with that, I also had  
 19 issue with Glen with that. I told them that  
 20 I wasn't satisfied.

21 MR. DODD: Q. Other than the  
 22 fact that Allison Stevens said ugly things,  
 23 do you know of any reason why they should  
 24 believe you that she used the racial slur  
 25 over her when she said she didn't?

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1 MS. RODGERS: Object to form.

2 THE WITNESS: Well, I don't know  
 3 believe me over her. This wasn't the first  
 4 time that Allison had to be told that she  
 5 was supposed to adhere to directives and  
 6 requests from the Dean's office.

7 We had the same problem with her  
 8 when Bobby Elliott was Dean. Bob called a  
 9 meeting. At Allison's request, because  
 10 Allison wanted to know if I was her  
 11 supervisor. And Bob told her that "Yes,  
 12 Cynthia is your supervisor." In that I don't  
 13 have to evaluate her. "But she is your  
 14 supervisor in that she has directives from  
 15 me. When she gives those directives, I  
 16 expect them to be done." She said to Bob,  
 17 "If she is my supervisor, I am going to  
 18 quit." She didn't quit.

19 MR. DODD: Q. Is it fair to say  
 20 that after the meeting that afternoon on  
 21 December the 3rd, 2003, you weren't satisfied  
 22 with how it had been handled?

23 MS. RODGERS: Object to form.

24 THE WITNESS: It's fair to say  
 25 that I wasn't satisfied.

1 MR. DODD: Q. What did you do,  
 2 or did you follow up on the meeting? Did  
 3 you file a complaint about it? What did you  
 4 do?

5 A. I filed a complaint later.

6 Q. When?

7 A. I think my complaint was dated  
 8 either the end of February or the 1st of  
 9 March. Sometime the 1st of March.

10 Q. And to whom did the complaint go?  
 11 Strike that.

12 To whom did you send the  
 13 complaint?

14 A. Well, I initially contacted Guin  
 15 Nance.

16 Q. Initially?

17 A. I think so, but I didn't -- okay.  
 18 After our meetings. I'm trying to remember  
 19 this. Because the investigation didn't come  
 20 until later because I know that Guin  
 21 requested that I ask Debra to investigate.  
 22 And that was either early March or late  
 23 February.

24 Q. Let me see if I understand. You  
 25 contacted Guin Nance?

1

A. I did.

2 Q. About the Allison Stevens incident?

3 A. Well, I contacted Guin Nance

4 because -- okay. After the meetings with me,  
 5 Glen, Chris and Allison and Brad, Glen said  
 6 to Allison, "I want you to come to me once a  
 7 week and tell me how Cynthia is treating  
 8 you." And I thought that was unfair.

9 They also set it up that if I  
 10 asked for any work to be done, I made a  
 11 request to Allison, but either another faculty  
 12 member or Chris would show up and put the  
 13 work in the Dean's office and leave.

14 I went in, spoke to Brad, told him  
 15 what was happening. At that time I found  
 16 out that they, Glen, Brad and Chris had  
 17 decided that it would be best for Allison not  
 18 to interact with me and have some member of  
 19 the faculty, or Chris run interference. And  
 20 I -- of course, I was upset.

21 Q. Why did that upset you?

22 MS. RODGERS: Object to form.

23 THE WITNESS: Because I saw that  
 24 as being mistreated. I saw that as them not  
 25 believing that she had called me a nigger.

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|   | Page 98                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Page 100                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| 1 | <p>But all of that -- after all of that happened, and I think Allison actually went to see Glen once a week, I really don't know. I didn't follow up on that. I just wanted to do my work.</p> <p>There came a day that -- and I have never seen the letter or whatever. There was talk that there was a letter on Campus that went to Dr. Nance that said the Dean's secretary in the School of Sciences, another secretary had used the racial slur toward her. Dr. Nance had an open door policy.</p> <p>Over the years I have talked to Dr. Nance about many things, not only Dr. Nance, but other Vice Chancellors or whatever. I didn't want my name to be associated with something that I had not written.</p> <p>So I contacted Guin Nance to let her know that I was not the author of whatever this document was. And that if I had a problem, I would, like I had done in the past, come to her directly.</p> <p>She responded to me in writing and said that she appreciated it, but she thought</p> | <p>1       </p> <p>2       </p> <p>3       </p> <p>4       </p> <p>5       </p> <p>6       </p> <p>7       </p> <p>8       </p> <p>9       </p> <p>10     </p> <p>11     </p> <p>12     </p> <p>13     </p> <p>14     </p> <p>15     </p> <p>16     </p> <p>17     </p> <p>18     </p> <p>19     </p> <p>20     </p> <p>21     </p> <p>22     </p> <p>23     </p> <p>24     </p> <p>25     </p> <p>report it to Debra Foster?</p> <p>A. Because it was known around Campus that Debra started fires. She didn't put them out.</p> <p>Q. Can you explain that to me?</p> <p>A. People who had gone up to Debra, they didn't see or get results.</p> <p>Q. Are you saying you wrote that message to Guin Nance about, "It won't do any good to go to HR"?</p> <p>A. I met with her personally.</p> <p>Q. Did you tell her that in your meeting?</p> <p>A. I told her exactly that. I told her that people thought Debra was starting fires instead of putting them out.</p> <p>Q. Now, did you tell Guin Nance that based on what others at the University had said about starting fires and not putting them out, or did you tell Guin Nance that based on your own experiences with Debra Foster?</p> <p>A. You know, I really believe it was both. I think I cited some examples to Guin Nance. And it was a combination of what</p> |
| 1 | Page 99                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Page 101                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 2 | <p>that I needed to have Debra investigate.</p> <p>I responded back to her that I didn't really want to talk to Debra because Debra didn't do anything. She asked me to have Debra investigate anyway. That's when I put it in writing, I believe. But those are the sequence of events.</p> <p>Now, the dates would be in that December to March window.</p> <p>MR. DODD: Q. Okay. Up until then, that window, December to March 2004, I think from what you told me before, the only interaction you had had with Debra Foster concerning a complaint of some kind was the one concerning Jessie Clayton. Were there any other others?</p> <p>A. If I told you that, that was a mistake.</p> <p>Q. You mentioned the first Dean search. You told me you didn't go to her because you didn't think it would help.</p> <p>A. But I did report it to HR.</p> <p>Q. Why, with respect to the Allison Stevens issue, did you tell Guin Nance that you didn't think it would do any good to</p>                       | <p>1       </p> <p>2       </p> <p>3       </p> <p>4       </p> <p>5       </p> <p>6       </p> <p>7       </p> <p>8       </p> <p>9       </p> <p>10     </p> <p>11     </p> <p>12     </p> <p>13     </p> <p>14     </p> <p>15     </p> <p>16     </p> <p>17     </p> <p>18     </p> <p>19     </p> <p>20     </p> <p>21     </p> <p>22     </p> <p>23     </p> <p>24     </p> <p>25     </p> <p>others had said. All University people talk.</p> <p>Q. Did you want the Allison Stevens incident investigated, or did Guin Nance want it investigated, or both?</p> <p>A. It was both. After I had my meeting with Guin, it was both of us. Because I had been mistreated.</p> <p>Q. What prompted you to write to Guin and meet with her? Was it your feeling that you had been mistreated, or was it the fact that this anonymous letter had appeared?</p> <p>A. It was both.</p> <p>Q. Why did you wait so long before going to her?</p> <p>MS. RODGERS: Object to form. Sorry.</p> <p>MR. DODD: Q. Why did you wait close to three months before you went to Guin Nance?</p> <p>A. I don't know that it was three months, but I took immediate action on what had happened to me.</p> <p>Q. How did you take immediate action?</p> <p>A. I told her supervisor. We met with the Dean, the Associate Dean.</p>                  |

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|                                                          | Page 102 | Page 104                                      |
|----------------------------------------------------------|----------|-----------------------------------------------|
| 1           Q. That was that day, right?                 | 1        | Q. Where did you tell him?                    |
| 2           A. It was that day or the day after.         | 2        | A. I'm sure it was in the Dean's              |
| 3           It was within -- yes.                        | 3        | suite. We very rarely met outside of the      |
| 4           Q. You didn't tell your supervisor           | 4        | Dean's suite.                                 |
| 5           that Allison Stevens had used a racial slur, | 5        | Q. What did he say in response?               |
| 6           did you?                                     | 6        | A. I really don't recall. I think             |
| 7           MS. RODGERS: Object to form.                 | 7        | that's probably why I felt like nothing would |
| 8           THE WITNESS: Not that day. No,               | 8        | be done. Because they were running            |
| 9           not at that time.                            | 9        | interference between me and Allison.          |
| 10          MR. DODD: Q. Did you ever tell               | 10       | Q. Did you object to that?                    |
| 11          Brad Moody that Allison Stevens had used a   | 11       | MS. RODGERS: Object to form.                  |
| 12          racial slur?                                 | 12       | THE WITNESS: I said I did.                    |
| 13          A. I did.                                    | 13       | MR. DODD: Q. Because you felt                 |
| 14          Q. When?                                     | 14       | you were being mistreated?                    |
| 15          A. It might have been a couple of            | 15       | A. Right. And not believed.                   |
| 16          weeks later. I'm not sure.                   | 16       | Q. Isn't it also true that that               |
| 17          Q. What was the context of that              | 17       | prevented Allison from verbally attacking you |
| 18          conversation?                                | 18       | again?                                        |
| 19          A. That was when -- well, he found           | 19       | A. Allison had free course to do              |
| 20          out that day because we had that meeting.    | 20       | whatever she wanted to do.                    |
| 21          He knew she had called me a nigger.          | 21       | Q. Did she ever verbally attack you           |
| 22          Q. How do you know that Brad Moody           | 22       | again?                                        |
| 23          knew that?                                   | 23       | A. I don't recall us having any               |
| 24          MS. RODGERS: Object to form.                 | 24       | incident after that.                          |
| 25          THE WITNESS: Well, I told him in             | 25       | Q. Ms. Ellison, did you contact Guin          |
|                                                          | Page 103 | Page 105                                      |
| 1           the meeting.                                 | 1        | Nance because you got wind of this anonymous  |
| 2           MR. DODD: Q. Let me get this                 | 2        | letter or because you wanted an investigation |
| 3          straight. In the meeting on December 3rd,     | 3        | performed?                                    |
| 4          you told Brad Moody that Allison Stevens had  | 4        | MS. RODGERS: Object. Asked and                |
| 5          used the racial slur?                         | 5        | answered.                                     |
| 6          A. Okay. I told Chris.                        | 6        | THE WITNESS: I have already                   |
| 7          Q. I understand that. Okay.                   | 7        | answered that.                                |
| 8          A. And it may have been a couple of           | 8        | MR. DODD: Q. Help me out. I                   |
| 9          weeks later when I told Brad. Because, as I   | 9        | am just feeble. Did you say both?             |
| 10         stated earlier, Brad would not listen to      | 10       | A. I did.                                     |
| 11         everything that had been said. He said he     | 11       | Q. Why after the passage of that much         |
| 12         didn't want to hear it.                       | 12       | time, did you want an investigation at that   |
| 13         Q. Because he wanted to make peace,           | 13       | time?                                         |
| 14         as you said?                                  | 14       | MS. RODGERS: Object to form.                  |
| 15         A. Right.                                     | 15       | THE WITNESS: Because nothing had              |
| 16         Q. Tell me when you told him that             | 16       | been done.                                    |
| 17         Allison Stevens had used the racial slur?     | 17       | MR. DODD: Q. What did you want                |
| 18         A. I really don't remember.                   | 18       | done?                                         |
| 19         Q. Did you tell him orally, or did            | 19       | MS. RODGERS: Object.                          |
| 20         you put it in writing?                        | 20       | MR. DODD: Do you want to take a               |
| 21         A. I told him orally. I did not put           | 21       | break?                                        |
| 22         it in writing.                                | 22       | A. My leg. I can stand here. I                |
| 23         Q. Was anybody else present when you          | 23       | just need to stand up a minute.               |
| 24         told him?                                     | 24       | Q. What did you want done?                    |
| 25         A. I don't remember.                          | 25       | A. I wanted the University to know            |

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|    | Page 106                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Page 108                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1  | that I had been mistreated, and I wanted them<br>2 to investigate it. I had no preconceived<br>3 idea of what the end of the investigation<br>4 would be.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 1 potential witnesses to the incident were<br>2 interviewed?<br>3 A. Well, as I stated earlier, Nikki<br>4 was not. She was my student worker.<br>5 Q. Do you know if she was ultimately<br>6 interviewed?<br>7 A. Ultimately.<br>8 Q. That's what I mean. By the end<br>9 of the investigation, do you know if there<br>10 was any witness who had not gone<br>11 uninterviewed?<br>12 A. Well, actually the investigation<br>13 had ended as she interviewed Nikki after the<br>14 investigation.<br>15 Q. Do you know if Nikki's interview<br>16 changed the result?<br>17 A. It did not.<br>18 Q. How did Roger Ritvo discriminate<br>19 against you?<br>20 Do you want to take a break?<br>21 THE WITNESS: I think I need to.<br>22 MR. DODD: Let's take a break.<br>23 (Whereupon, the luncheon recess was<br>24 taken from 12:05 o'clock p.m. to 1:00 o'clock<br>25 p.m.)                                                                                                                                                            |
| 21 | THE COURT REPORTER: You just said<br>22 that you didn't call her.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 23 | THE WITNESS: I mean, she didn't<br>24 call me a nigger. I'm sorry. Thank you.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 24 | MR. DODD: Q. What were Debra                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|    | Page 107                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Page 109                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 1  | Foster's conclusions?<br>2 MS. RODGERS: Object to form.<br>3 MR. DODD: Q. If you know.<br>4 A. Well, when I talked to her and she<br>5 took my statement. She pretty much told me<br>6 what her conclusion would be.<br>7 Q. Do you know what her ultimate<br>8 conclusions were?<br>9 MS. RODGERS: Object to form.<br>10 THE WITNESS: She sent me a letter<br>11 and Allison a letter saying that we should<br>12 respect each other. Basically, that's what it<br>13 said. It was a two or three sentence<br>14 letter.<br>15 MR. DODD: Q. Were you aware if<br>16 anybody investigating the Allison Stevens<br>17 incident was able to corroborate what you<br>18 said about Allison calling you --<br>19 A. I wasn't in any other meeting, so<br>20 I don't know.<br>21 Q. I am just saying if you were<br>22 aware. If you are not aware, you are not<br>23 aware.<br>24 A. I am not aware.<br>25 Q. Do you know if all of the | 1 AFTERNOON SESSION<br>2 MR. DODD: Q. Ms. Ellison, who<br>3 is Mack Jenkins?<br>4 A. He is Ruby Jenkins' husband.<br>5 Q. His name and Ruby Jenkins' name<br>6 appear on a list of individuals as part of<br>7 the initial disclosures that we have to file<br>8 with the court.<br>9 A. Okay.<br>10 Q. Do you know why -- strike that.<br>11 What information do you think Ms.<br>12 Jenkins has concerning your case?<br>13 A. Well, the day after I was escorted<br>14 off Campus, Mack came to Campus that next day<br>15 because of what was happening in the office<br>16 and he took me to lunch. And I discussed<br>17 with him what was happening with me and Dr.<br>18 Lawal. With me and Chris. And he gave me<br>19 some advice. He is a minister.<br>20 Q. What advice did he give you?<br>21 A. He told me to be sure that I had<br>22 documented everything. All of the treatments,<br>23 the mistreatment that I thought I had<br>24 received. He told me to pray about it. He,<br>25 in fact, also said to be sure you get |

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|    | Page 110                                      | Page 112 |
|----|-----------------------------------------------|----------|
| 1  | security.                                     | 1        |
| 2  | Q. You get what? I'm sorry.                   | 2        |
| 3  | A. Security.                                  | 3        |
| 4  | Q. Security where?                            | 4        |
| 5  | A. For my work area.                          | 5        |
| 6  | Q. Tell me again what day this was?           | 6        |
| 7  | You lost me there.                            | 7        |
| 8  | A. Our meeting with Mr. Ritvo was             | 8        |
| 9  | January 31st. So this was the day after,      | 9        |
| 10 | which would have been February 1st. It had    | 10       |
| 11 | to be the 1st or 2nd.                         | 11       |
| 12 | Q. When you said that you were                | 12       |
| 13 | escorted off Campus, what did you mean by     | 13       |
| 14 | that?                                         | 14       |
| 15 | A. Dr. Lawal informed me when I               | 15       |
| 16 | arrived to work on January 31st that Dr.      | 16       |
| 17 | Ritvo thought it was advisable for him to     | 17       |
| 18 | take me off Campus while they were meeting    | 18       |
| 19 | with Chris.                                   | 19       |
| 20 | Q. Dr. Lawal is the person you say            | 20       |
| 21 | was the person who escorted you off Campus?   | 21       |
| 22 | A. Right.                                     | 22       |
| 23 | Q. Did y'all go to lunch?                     | 23       |
| 24 | A. Yes.                                       | 24       |
| 25 | Q. Was it Ritvo or Lawal who said you         | 25       |
|    | Page 111                                      | Page 113 |
| 1  | guys need to leave Campus and go to lunch     | 1        |
| 2  | together?                                     | 2        |
| 3  | A. He told me that the request had            | 3        |
| 4  | come from Dr. Lawal. Dr. Lawal told me that   | 4        |
| 5  | Dr. Ritvo had made the request for him to     | 5        |
| 6  | take me off Campus.                           | 6        |
| 7  | Q. Did he say why?                            | 7        |
| 8  | A. His terminology was that it was            | 8        |
| 9  | advisable for me to leave Campus.             | 9        |
| 10 | Q. You met with Mack Jenkins the next         | 10       |
| 11 | day?                                          | 11       |
| 12 | A. The next day, or the day after.            | 12       |
| 13 | It was shortly after that.                    | 13       |
| 14 | Q. And you went to lunch with him?            | 14       |
| 15 | A. I went to lunch with he and his            | 15       |
| 16 | wife.                                         | 16       |
| 17 | Q. Ruby?                                      | 17       |
| 18 | A. Uh-huh.                                    | 18       |
| 19 | Q. I assume that you told Mack                | 19       |
| 20 | Jenkins about your circumstances at AUM?      | 20       |
| 21 | A. I told him as much as I could              | 21       |
| 22 | tell him at the lunch hour.                   | 22       |
| 23 | Q. Do you believe that the extent of          | 23       |
| 24 | his knowledge about your circumstances at AUM | 24       |
| 25 | is limited to what you told him?              | 25       |

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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1       she was on the Search Committee and he left<br/>     2       flowers on her desk. So when I told her<br/>     3       about what happened to me, there is no way<br/>     4       she should question what happened.<br/>     5       Because --<br/>     6       Q. Something similar had happened to<br/>     7       her?<br/>     8       A. That's right.<br/>     9       Q. Her knowledge of the incident you<br/>     10      just described with him sitting at your desk,<br/>     11      comes from what you told her?<br/>     12      A. Right.<br/>     13      Q. What other conduct of Mahaffy do<br/>     14      you think she has firsthand knowledge of?<br/>     15      A. You would have to ask her. I'm<br/>     16      really sure she could tell you fully herself.<br/>     17      Because I would be telling you what she told<br/>     18      me.<br/>     19      Q. Is that the extent of -- what we<br/>     20      have just described, the extent your knowledge<br/>     21      about what she knows?<br/>     22      A. It's not the extent of my<br/>     23      knowledge. But what I know would be hearsay,<br/>     24      I guess. I don't know.<br/>     25      Q. Now, Keith Ellison was on your</p> | <p>1       1<br/>     2       notes when I talk to him about my situation.<br/>     3       Q. Where is his church located?<br/>     4       A. Elba, Alabama.<br/>     5       Q. Is there a street address?<br/>     6       A. There is, but we use the P.O. Box<br/>     7       159, 36323.<br/>     8       Q. That's your church, right?<br/>     9       A. 36323.<br/>     10      Q. That's your church, right?<br/>     11      A. Yes, it is.<br/>     12      Q. You told me what it was earlier in<br/>     13      the deposition, didn't you?<br/>     14      A. Yes, I did.<br/>     15      Q. What advice did he give you? What<br/>     16      guidance did he give you?<br/>     17      MS. RODGERS: Object to form.<br/>     18      MR. DODD: Q. What guidance did<br/>     19      he give you?<br/>     20      A. Our Christian belief is to pray.<br/>     21      He told me to be watchful. Report what was<br/>     22      happening to me. And he knew I couldn't<br/>     23      quit my job because I needed to work. So we<br/>     24      discussed having to remain in an environment<br/>     25      that had become conducive to every time my</p>                                                                                                                                                                                                 |
| Page 115                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Page 117                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p>1       list?<br/>     2       A. Yes.<br/>     3       Q. Why is he on your list?<br/>     4       A. He is my pastor.<br/>     5       Q. What information do you think he<br/>     6       has about this case?<br/>     7       A. I have discussed in depth with him<br/>     8       on Sundays after service what's been happening<br/>     9       to me at AUM.<br/>     10      Q. Were you seeking some sort of<br/>     11      assistance from him?<br/>     12      A. Spiritual guidance.<br/>     13      Q. Are you still seeking that from<br/>     14      him?<br/>     15      A. Every Sunday I go to church.<br/>     16      Q. Are you still seeking spiritual<br/>     17      guidance from him concerning this lawsuit?<br/>     18      A. I have talked to him about it,<br/>     19      yes.<br/>     20      Q. How many times have you talked to<br/>     21      him about it?<br/>     22      A. Numerous times. I don't have a<br/>     23      number.<br/>     24      Q. You don't keep records of stuff<br/>     25      like that?</p>                                                                                                                                                                                 | <p>1       door opened I thought it was Chris. When I<br/>     2       went to the restroom, I am looking around<br/>     3       because I am looking for Chris. So he<br/>     4       basically told me to pray and be safe.<br/>     5       Q. When did you first talk to him<br/>     6       about your circumstances?<br/>     7       A. Probably the first -- I don't<br/>     8       remember exactly the first time. But the<br/>     9       first time that really concerned me to the<br/>     10      point where I need to be talking to somebody<br/>     11      about this is when I arrived to work, and<br/>     12      this man is in the dark behind my desk<br/>     13      crying.<br/>     14      Q. Have you spoken to Keith Ellison<br/>     15      about the circumstances of your case since<br/>     16      your departure from AUM?<br/>     17      A. "Circumstances" meaning what?<br/>     18      Q. Anything about your lawsuit.<br/>     19      A. Well, certainly he asked me what I<br/>     20      did and I told him I did file. Periodically<br/>     21      he has asked me what's going on and we talk.<br/>     22      Q. Why is Courtney on your list?<br/>     23      A. Courtney is my daughter. She can<br/>     24      attest to the mental anguish that I went<br/>     25      through at home in the evenings. In fact,</p> |

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1 the night of January 31st after the meeting  
 2 with Ritvo, Lawal, Faye Ward and myself, when  
 3 I asked for security and was refused  
 4 security, I went home that afternoon. My  
 5 lights went out at home and I was afraid to  
 6 the point where I called Courtney, and her  
 7 boyfriend, to come home because I was afraid  
 8 it was Chris. There was no storm. There  
 9 was nothing. The lights went out.

Q. Why did the lights go out?

A. I have no idea. There was no accident on the street. All I could think of was Chris, because earlier that day he had come to my cubicle looking for me.

Q. You didn't see Chris outside your house?

A. Of course I didn't. I didn't go outside my house.

Q. Now, you said you asked for security and your request was denied?

A. Yes.

Q. Who did you ask for security?

A. I asked for security in the meeting on the 31st.

Q. Who did you ask to provide the

1 there to do me harm. And for several days,  
 2 or however it took thereafter, until something  
 3 happened to resolve the situation.

MR. DODD: Q. What, in your mind, does it mean to "secure the area"? Does that mean to have an officer stationed there with you or what?

A. It means that someone at some interval, whatever they determined was necessary, because they knew the capabilities of Chris. They were to determine. Do you patrol every 15 minutes, or do you patrol every two hours, four hours, five hours. It really doesn't matter at this point because I didn't get it.

Q. And nothing happened either, did it?

MS. RODGERS: Object to form. Argumentative.

THE WITNESS: Yes. Something happened. Chris came back staring at me.

MR. DODD: Q. Is that all he did, stare at you?

A. Well, you had to see his face.

Q. Describe it?

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1 security?

A. I asked Dr. Ritvo.

Q. What kind of security did you ask for?

A. I asked for Campus Police to secure my area in Goodwyn Hall on the third floor where I worked.

Q. What does that mean? What does to "secure your area" mean?

A. I wanted them to be in the area.

Q. Constantly?

A. I didn't say constantly. My request was for Campus security to secure the area. That's the term we use on Campus. Campus Police knows their business. They know what to do.

Q. I don't know what that means. Tell me what it means to secure your area?

MS. RODGERS: Object the form. Whatever it means to you.

THE WITNESS: It means that Dr. Ritvo would have alerted Campus Police that Chris' behavior that day was of such that they needed to come to my area, 311 Goodwyn Hall, to make sure that this man was not

1 A. His misdemeanor was such that how dare you report me? How dare you? It was that kind of -- it was retaliatory. That's the word I am looking for. It was a retaliatory situation.

Q. Did he say anything?

A. He didn't have to. His eyes said it.

Q. He said nothing, right?

A. He said nothing.

Q. This happened one time?

A. There was several times that he came into the office and just stood and stared at me.

Q. Give me some dates?

A. On January the 18th after I had filed the complaint by Dr. Ritvo's request in December, I met with Debra Foster, Faye Ward and myself. Debra informed me that Ritvo asked her to talk to me about the complaint. I immediately said, "Is Bayo's complaint going to be considered?"

She says, "Ritvo and I have talked. We are not going to consider his complaint." Bayo had said to me and to

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|    |                                                                                                                                                                                                                                                                                                                                                                                                                      |    |                                                                                                                                                                                                                                                                                                                                        |
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|    | Page 122                                                                                                                                                                                                                                                                                                                                                                                                             |    | Page 124                                                                                                                                                                                                                                                                                                                               |
| 1  | Debra Foster that because of the things that were going on he wanted both our complaints considered together.                                                                                                                                                                                                                                                                                                        | 1  | somebody with your hands in your overcoat, a skull cap on, and not say anything. It was intimidation. It was retaliation because I had filed a complaint, and he knew I had filed a complaint.                                                                                                                                         |
| 2  | Give me a minute. All right.                                                                                                                                                                                                                                                                                                                                                                                         | 2  | Now, how he knows -- how would he know that it was me unless Debra Foster or somebody told him.                                                                                                                                                                                                                                        |
| 3  | During that meeting Debra asked about the complaint I had written to Dr. Ritvo. She asked whatever questions, and I answered them.                                                                                                                                                                                                                                                                                   | 3  | Q. What other dates did he appear and stare at you?                                                                                                                                                                                                                                                                                    |
| 4  | After they met with me, and in that meeting she told me that the only thing Chris had admitted to saying was that blacks shouldn't hold responsible positions. And I told her -- and she seemed to me, she seemed to think that that was all right to say. I expressed to her that she should be offended because she was holding a very responsible position.                                                       | 4  | A. After February the 23rd when Dr. Lawal showed me a letter that he had received from Dr. Ritvo. He says, "Chris is not to bother you any more." Chris came by the office. Then he came in, and he just stood. He stared again. He didn't ask for anybody. He didn't do anything. But it was intimidating to me. It was in my office. |
| 5  | After that meeting she met with others in the school and that meeting with me was, I think, either December the 16th or December the 14th. In that meeting she told me she would be meeting with Chris. She would be meeting with Brad, Bob Elliott and Judd Katz to ask them about Chris' behavior and whether or not they -- well, just what they thought about Chris. I don't know what all she was going to ask. | 5  | Q. On February the 3rd?                                                                                                                                                                                                                                                                                                                |
| 6  |                                                                                                                                                                                                                                                                                                                                                                                                                      | 6  | A. That was February the 3rd or 4th.                                                                                                                                                                                                                                                                                                   |
| 7  |                                                                                                                                                                                                                                                                                                                                                                                                                      | 7  | After Dr. Lawal had the meeting with Ritvo, and I believe Debra. I'm not sure who he had the meeting with. It might have been Faye Ward.                                                                                                                                                                                               |
| 8  |                                                                                                                                                                                                                                                                                                                                                                                                                      | 8  | Q. How long was he in the office?                                                                                                                                                                                                                                                                                                      |
| 9  |                                                                                                                                                                                                                                                                                                                                                                                                                      | 9  |                                                                                                                                                                                                                                                                                                                                        |
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| 25 |                                                                                                                                                                                                                                                                                                                                                                                                                      | 25 |                                                                                                                                                                                                                                                                                                                                        |

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1 I think I got off track. What  
2 was your question?

3 Q. We were talking about the dates  
4 when Chris Mahaffy showed up in your office  
5 and have harmed you. You started out by  
6 saying January the 18th?

7 A. Right. Previous to that all these  
8 meeting had taken place and on January the  
9 18th I'm sitting at my desk. I feel or  
10 sense a presence in the office. I look up,  
11 Chris has on an overcoat, a skull cap and he  
12 has his hands in the pocket of his overcoat  
13 and he is standing over me. I asked him  
14 could I help you. He asked for Dr. Lawal  
15 and he just -- it appears to me that he  
16 wasn't there. I don't know how else to say  
17 it. Then he left my office.

18 Q. Who wasn't there?

19 A. Chris Mahaffy. I mean he was just  
20 -- that's the kind of demeanor he had. He  
21 was just standing trying to intimidate me  
22 because I had filed a complaint.

23 Q. He asked for the Dean, didn't he?

24 A. He asked for the Dean, but he  
25 walked out. Why would you walk up on

1 A. He wasn't in there more than a  
2 couple of minutes. It's the appearance.  
3 It's the appearance. It's a cliche, but you  
4 had to be there.

5 Q. Did he say anything?

6 A. He didn't have to say anything.

7 Q. Now, what in your estimation would  
8 securing the area have done to deal with  
9 those incidents?

10 A. Campus Police, had they been  
11 informed about Chris and his behavior, and  
12 the fact that it was directed toward me. A  
13 good Campus Policeman would have just said,  
14 "Hey, how are you doing?" Just to see what  
15 was going on. Because he would have been  
16 informed, look out for Chris in the Dean's  
17 office. I'm assuming they would have been  
18 professional. I'm assuming they wouldn't just  
19 approach them and say, "Are you standing  
20 there staring at Cynthia because she filed a  
21 complaint."

22 Q. Did you want them to confront  
23 them?

24 MS. RODGERS: Object to form.

25 THE WITNESS: I have said time and

Cynthia Ellison

April 27, 2006

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| <p style="text-align: right;">Page 126</p> <p>1 time again I had wanted them to secure my<br/>2 area.</p> <p>3 MR. DODD: Q. Is three<br/>4 walk-throughs a day securing your area?</p> <p>5 MS. RODGERS: Object to form.</p> <p>6 THE WITNESS: As I stated earlier,<br/>7 that would have been up to Campus Police and<br/>8 Dr. Ritvo and Dr. Lawal because they knew the<br/>9 nature of what was going on with Chris. I<br/>10 didn't know completely what was going on.</p> <p>11 MR. DODD: Q. Do you even know,<br/>12 Ms. Ellison, whether they considered the<br/>13 police walk-through of Goodwyn Hall to be<br/>14 adequate for your concerns?</p> <p>15 MS. RODGERS: Object.</p> <p>16 THE WITNESS: I think I have<br/>17 answered that. I mean, if they didn't talk<br/>18 to them, I don't know what they could have<br/>19 considered if they didn't even talk to them.<br/>20 However, they did give Debra<br/>21 security the same day of the meeting. She<br/>22 was escorted to her car by Campus Police, not<br/>23 for just that day, but for the whole week.</p> <p>24 MR. DODD: Q. How do you know<br/>25 that?</p> | <p style="text-align: right;">Page 128</p> <p>1 personal knowledge to refute that, do you?<br/>2 MS. RODGERS: Object to form.<br/>3 That's argumentative. If you know, whether<br/>4 the hypothetical situation he just gave you<br/>5 about what could have happened.<br/>6 THE WITNESS: I mean, there is no<br/>7 real answer to that. I mean, I have no<br/>8 idea.</p> <p>9 MR. DODD: Q. I just want to<br/>10 make sure that you don't show up later in<br/>11 this case and say, "I have personal knowledge<br/>12 that security escorted Debra Foster to her<br/>13 car." If you don't know of your own<br/>14 knowledge, your own observation, that that's<br/>15 the case. That's all I want you to tell me.<br/>16 A. I was not there when she was being<br/>17 escorted.<br/>18 Q. Your knowledge is based on what<br/>19 somebody else told you?<br/>20 A. I was not there when she was being<br/>21 escorted.<br/>22 Q. Is your lack of knowledge based on<br/>23 what somebody else -- strike that, please.<br/>24 Is your belief that she was<br/>25 escorted based on what somebody else has told</p> |
| <p style="text-align: right;">Page 127</p> <p>1 A. Well, again, I'm in a University<br/>2 environment and people talk.<br/>3 Q. You don't know of that your<br/>4 personal knowledge?<br/>5 A. I don't know that they did.<br/>6 Q. Who told you that?<br/>7 MS. RODGERS: Object to form.<br/>8 THE WITNESS: People were talking.<br/>9 I don't remember exactly who.<br/>10 MR. DODD: Q. Do you have an<br/>11 idea who?<br/>12 MS. RODGERS: Object to form.<br/>13 THE WITNESS: People were talking.<br/>14 I'm trying to remember. I don't have an<br/>15 idea. Not right now. I'm sure Campus<br/>16 Police has a record. I don't know of who<br/>17 all knew. I had no idea.<br/>18 MR. DODD: Q. Isn't it just as<br/>19 likely that Debra Foster bumped into one of<br/>20 the police officers on her way to her car<br/>21 and they walked together?<br/>22 MS. RODGERS: Object to form.<br/>23 THE WITNESS: I don't think that<br/>24 that was likely, sir.<br/>25 MR. DODD: Q. You don't have any</p>                                                                                                                            | <p style="text-align: right;">Page 129</p> <p>1 you?<br/>2 A. My belief is based on what someone<br/>3 else -- what others were saying.<br/>4 Q. As we sit here today, you don't<br/>5 recall who told you that?<br/>6 A. I really don't.<br/>7 Q. That's fine.<br/>8 Why is Kay Johnson on your list?<br/>9 A. Kay Johnson is on my list because<br/>10 after I filed my complaint, Dr. Lawal's<br/>11 treatment became retaliatory towards me.<br/>12 Q. After you filed your complaint, are<br/>13 you talking about the one on December the<br/>14 3rd?<br/>15 A. My lawsuit. What happened --<br/>16 Q. Do you mean your EEOC charge?<br/>17 A. Yes. Well, when I came to see an<br/>18 attorney, that's the way I know to put it.<br/>19 I came to see an attorney. They sent<br/>20 correspondence to Dr. Lawal. Dr. Lawal<br/>21 called me in his office, became furious and<br/>22 said as he was hitting his chest, "You have<br/>23 done this to me. We should have both waited<br/>24 until summer and filed suits together and<br/>25 walked away with a fistful of money, and now</p>                   |

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| <p style="text-align: right;">Page 130</p> <p>1       you have spoiled my plans."</p> <p>2       He asked me to get out of his</p> <p>3       office. Not to speak with him any more.</p> <p>4       And if I had anything to say to him, send it</p> <p>5       in an e-mail. He just became indignant.</p> <p>6       I am the only person other than</p> <p>7       work study students in the office. At that</p> <p>8       point I was fearful of what he was going to</p> <p>9       do. So I view it, and it was retaliating</p> <p>10      against me, because I filed charges or I had</p> <p>11      gone to see an attorney.</p> <p>12      Q. When were your charges filed?</p> <p>13      A. I came to this office on or about</p> <p>14       -- it had to be the end of the first week</p> <p>15       or the beginning of the first week of</p> <p>16       February. And that next day -- or it seems</p> <p>17       the day after, he received a letter. That's</p> <p>18       when he became very angry.</p> <p>19      Q. Was that the letter from Julian</p> <p>20      McPhillips?</p> <p>21      A. Yes. Julian, yes.</p> <p>22      Q. Do you know what day he received</p> <p>23       it?</p> <p>24      A. It was either the 9th, 10th or the</p> <p>25       11th, something like that.</p>                                                                        | <p style="text-align: right;">Page 132</p> <p>1       incident?</p> <p>2       A. Before and after.</p> <p>3       Q. Okay.</p> <p>4       A. He became angry with me when he</p> <p>5       received the correspondence, as I said, from</p> <p>6       Julian McPhillips.</p> <p>7       Q. Had he been angry with you before</p> <p>8       that?</p> <p>9       A. No, sir. He had been in line</p> <p>10      with me. In fact, he let me read the first</p> <p>11      page of his complaint to Dr. Ritvo and he</p> <p>12      told me to be sure that I got mine over to</p> <p>13      Dr. Ritvo that day. That he was going to</p> <p>14      let Dr. Ritvo know his would be coming in</p> <p>15      the next few days because he had so much to</p> <p>16      add about how we were being treated by Chris.</p> <p>17      Q. That was back in December, right?</p> <p>18      A. Yes. That was in December.</p> <p>19      Q. So Lawal was angry with you -- it</p> <p>20      first became apparent when he received a</p> <p>21      letter from Julian McPhillips?</p> <p>22      A. It first became apparent after the</p> <p>23      meeting with Dr. Ritvo, Faye Ward, myself and</p> <p>24      Dr. Lawal. At that meeting Dr. Ritvo</p> <p>25      informed Dr. Lawal. In that meeting, Dr.</p>                                                                                                                               |
| <p style="text-align: right;">Page 131</p> <p>1       Q. And Dr. Lawal retaliated against</p> <p>2       you in what fashion?</p> <p>3       MS. RODGERS: Object to form.</p> <p>4       THE WITNESS: As I just said, he</p> <p>5       became very angry. He hit his chest and</p> <p>6       said that this action had been taken not just</p> <p>7       against AUM, but against him. I had spoiled</p> <p>8       his plans of filing suit that summer. Every</p> <p>9       routine thing I do in the office became an</p> <p>10      issue.</p> <p>11      I saw him going through my trash</p> <p>12      can. The shredding that I did that Friday,</p> <p>13      I normally do shredding on Fridays, either</p> <p>14      once, twice, sometimes even once a month.</p> <p>15      Every document just about that came in that</p> <p>16      office had Social Security numbers on it.</p> <p>17      Time sheets, payrolls, grade sheets. We were</p> <p>18      the hub for that. Periodically, I would shred</p> <p>19      those to make room for more documents. Him</p> <p>20      seeing me shredding was nothing new since he</p> <p>21      had been in there since August, I was</p> <p>22      shredding the same kinds of documents many</p> <p>23      times.</p> <p>24      MR. DODD: Q. Did he become</p> <p>25      angry with you before or after the shredding</p> | <p style="text-align: right;">Page 133</p> <p>1       Ritvo informed Dr. Lawal that he would not be</p> <p>2       the person taking action against Chris, rather</p> <p>3       that he was not going to allow Dr. Lawal to</p> <p>4       take any action against Chris. That he Dr.</p> <p>5       Ritvo would be the one taking action. Dr.</p> <p>6       Ritvo stated at that time, "If you don't do</p> <p>7       something, I will file civil litigation</p> <p>8       myself."</p> <p>9       Q. Dr. Ritvo said that?</p> <p>10      A. I'm sorry. Dr. Lawal said that to</p> <p>11      Dr. Ritvo while we were in that meeting.</p> <p>12      When we returned to the office -- because in</p> <p>13      the meeting, I asked questions. I asked</p> <p>14      about my security. I asked to get a summary</p> <p>15      of the meeting proceedings that I was in.</p> <p>16      Dr. Ritvo refused. He said the only thing I</p> <p>17      could know is that they would do something to</p> <p>18      Chris and not to worry about it.</p> <p>19      Dr. Lawal took exception to that</p> <p>20      in the meeting. But when we got back to the</p> <p>21      office, Dr. Lawal said to me, "I'm upset with</p> <p>22      you." And I asked him, "Why?" He said,</p> <p>23      "You don't talk back to men." I said, "We</p> <p>24      are living in the 21st century."</p> <p>25      I was afraid. I needed to know</p> |

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| <p style="text-align: right;">Page 134</p> <p>1 what was going to happen me. I could care<br/>2 less what was going to happen to Chris.<br/>3 That was the beginning of my seeing a change<br/>4 in his behavior.</p> <p>5 Q. When he became angry with you<br/>6 because you talked back to men --</p> <p>7 A. He said I talked back to Dr.<br/>8 Ritvo.</p> <p>9 Q. Did that have anything to do with<br/>10 your race?</p> <p>11 A. It has everything to do with being<br/>12 retaliated against for reporting what they<br/>13 asked me to report.</p> <p>14 Q. We are talking about Lawal now<br/>15 retaliating against you, right?</p> <p>16 A. That's what you asked, right?</p> <p>17 Q. Yes.</p> <p>18 A. Okay. That's what I am trying to<br/>19 deliver.</p> <p>20 Q. Lawal also complained about<br/>21 Mahaffy, right?</p> <p>22 A. Yes, sir, he did, until he got the<br/>23 lawsuit. Until he got the paperwork from<br/>24 McPhillips' office.</p> <p>25 Q. That's what I am trying to</p>                                                                                                                        | <p style="text-align: right;">Page 136</p> <p>1 A. The meeting with Dr. Ritvo was on<br/>2 January 31st.</p> <p>3 Q. Sometime between January 31st and<br/>4 the day you left, February 14th, is when Dr.<br/>5 Lawal began retaliating against you?</p> <p>6 MS. RODGERS: Objection.</p> <p>7 THE WITNESS: Yes.</p> <p>8 MR. DODD: Q. Can you point to<br/>9 any event between the meeting and Dr. Lawal's<br/>10 receipt of the letter from the lawyers --</p> <p>11 MS. RODGERS: Object to form.</p> <p>12 MR. DODD: Q. -- that prompted<br/>13 any danger toward you by Lawal?</p> <p>14 A. Anger concerning what?</p> <p>15 Q. Anything.</p> <p>16 A. He just changed.</p> <p>17 Q. How did he change?</p> <p>18 MS. RODGERS: Object to form.<br/>19 Just keep on answering. Again, he is asking<br/>20 you the same thing. State exactly what<br/>21 happened. That's what you give him.</p> <p>22 THE WITNESS: Well, then after the<br/>23 meeting he made that comment that I told you<br/>24 he made.</p> <p>25 MR. DODD: Q. After he made that</p>                                                                          |
| <p style="text-align: right;">Page 135</p> <p>1 determine when his displeasure with you began.<br/>2 It started about this meeting.</p> <p>3 A. It started after that meeting. I<br/>4 did not know it was going to be so direct<br/>5 until he received the paperwork from Julian<br/>6 McPhillips towards me. I thought he was just<br/>7 angry because Ritvo wasn't letting him use<br/>8 his authority. Because Ritvo said he was<br/>9 going to take care of Chris and not let<br/>10 Lawal do it. He was angry.</p> <p>11 Now, whether he was taking his<br/>12 anger out on me because he was angry at<br/>13 Ritvo, you have to ask him that. I don't<br/>14 know. All I know is, I, again, became the<br/>15 victim.</p> <p>16 Q. Because he said you talked back to<br/>17 Ritvo?</p> <p>18 MS. RODGERS: Object to form.<br/>19 Asked and answered over and over again.</p> <p>20 MR. DODD: I am just following up<br/>21 on her answers.</p> <p>22 MS. RODGERS: Over and over again<br/>23 following up. Keep on going, Cynthia.</p> <p>24 MR. DODD: Q. When was that<br/>25 meeting? Was that February 3rd or 4th?</p> | <p style="text-align: right;">Page 137</p> <p>1 comment, did anything occur between his<br/>2 receipt of the letter from the lawyers that<br/>3 prompted any anger on his part toward you?</p> <p>4 A. He was angry that he was having to<br/>5 go through this, and it was directed at me.<br/>6 I asked him why. I don't know why.</p> <p>7 Q. When you say "go through this,"<br/>8 are you talking about Mahaffy?</p> <p>9 A. The Mahaffy complaints or rights.<br/>10 The whole situation with the complaints.</p> <p>11 Q. You are saying he blamed you<br/>12 because the procedure was underway?</p> <p>13 A. I didn't say that.</p> <p>14 Q. He was angry at you because of<br/>15 procedure?</p> <p>16 MS. RODGERS: Object to form.<br/>17 Let's take a break. Object to form. Can<br/>18 you hold this question?</p> <p>19 MR. DODD: Let me finish my<br/>20 question. We are going to finish the<br/>21 question before you take a break.</p> <p>22 MS. RODGERS: Ask the question.<br/>23 You don't have to do an answer.</p> <p>24 MR. DODD: I am going to ask you<br/>25 when you come back about conversations you</p> |

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1 have had during the break. You may want to  
 2 reconsider whether you want to go consult  
 3 with your lawyer before you answer a question  
 4 that's pending.

5 MS. RODGERS: Let the record  
 6 reflect I don't want no one to assume that I  
 7 am going to talk to my client about a  
 8 question he is going to ask.

9 MR. DODD: No assumption.

10 MS. RODGERS: Also, I don't want  
 11 you to threaten. It seems as though he is  
 12 trying to intimidate my client in this  
 13 deposition. I am taking a break for her  
 14 sake. Because as it appears to me, I feel  
 15 as though she is getting frustrated. She  
 16 needs to take a break. I don't know how she  
 17 is doing. I am telling her to take a break.  
 18 Not to try to go outside to try to discuss a  
 19 potential answer for her. Because I have not  
 20 done that during lunch time, nor have I done  
 21 it for any statement where counsel is getting  
 22 a record. Nor am I trying to assist her  
 23 during any part of this deposition how she  
 24 answers her questions.

25 Let the record also reflect that I

1 Ward, Dr. Ritvo, Dr. Nance and Lee Armstrong.  
 2 And my memo about my retirement.

3 Q. Together these documents you have  
 4 identified constitute your EEOC charge, do  
 5 they not?

6 A. That's the cover sheet, yes.

7 Q. The EEOC charge is dated February  
 8 10th, 2005, down at the bottom left corner?

9 A. Where? Bottom left, yes.

10 February the 10th.

11 Q. Now, do you know when Mr.  
 12 McPhillips mailed this to Bayo Lawal?

13 MS. RODGERS: Object to form.

14 THE WITNESS: I don't know if he  
 15 mailed this to Bayo Lawal. I know that Dr.  
 16 Lawal got a letter from him. I don't know  
 17 about this.

18 MR. DODD: Q. Look at your  
 19 affidavit for a second. Who wrote the  
 20 affidavit?

21 A. Who wrote it?

22 Q. Yes.

23 A. It's information that I gave my  
 24 attorney.

25 Q. Your lawyer composed the affidavit?

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1 have not written any notes, I have not bumped  
 2 her, I have not done any type of couching  
 3 whatsoever to assist my client in any type of  
 4 questioning or way she should answer her  
 5 question. The only thing I told her is tell  
 6 the truth.

7 THE WITNESS: May I take a break,  
 8 please?

9 MR. DODD: Go ahead.

10 (Multi-page document, first page  
 11 undated, entitled Charge of Discrimination,  
 12 marked as Defendant's Exhibit-1)

13 MR. DODD: Q. Ms. Ellison, here  
 14 is Defendant's Exhibit 1. If you can take a  
 15 look at that and see if you can identify it  
 16 for me, please.

17 A. Yes. Let me finish and make sure.  
 18 Yes, I recognize it.

19 Q. What is it?

20 A. It's my affidavit statement that I  
 21 gave to my attorney. It's my memo from me  
 22 to Dr. Ritvo on December the 3rd supplying  
 23 his requested statement. A letter to Dr.  
 24 Mahaffy from Dr. Ritvo. A letter from me to  
 25 Debra Foster with copies to Dr. Lawal, Ms.

1 MS. RODGERS: Object to form.

2 MR. DODD: Q. Let me ask you  
 3 this. Did you write the affidavit?

4 A. When you say "composed," that means  
 5 did he write it?

6 Q. Yes.

7 A. I gave the information as it is  
 8 here. I guess I gave him the information.

9 Q. They put it together and you  
 10 signed it, right?

11 A. They put it together and I signed  
 12 it. Are you asking me if I typed this  
 13 document?

14 Q. No. I am asking you if you  
 15 prepared it.

16 A. I provided the information that is  
 17 within this document.

18 Q. When did you provide that  
 19 information to your lawyers?

20 A. It says on the 10th day of  
 21 February, 2005.

22 Q. Did your lawyers prepare this  
 23 affidavit on the same day that you gave them  
 24 the information?

25 MS. RODGERS: Object to form.

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1           THE WITNESS: It was prepared on  
2           the day I signed it.  
3           MR. DODD: Q. When did you give  
4           them the information that appears in the form  
5           in the affidavit?  
6           A. This was during my visit. Let's  
7           see. I had an initial visit here, and this  
8           was done on my second visit.  
9           Q. When was your initial visit?  
10          A. It had to be early --  
11          MS. RODGERS: Object to form. Go  
12          ahead and answer.  
13          THE WITNESS: It had to be early  
14          February. It was like the week before this  
15          week.  
16          MR. DODD: Q. Approximately  
17          February the 3rd?  
18          A. No. I don't know. They have  
19          their calendars, you can ask them. I have  
20          no idea.  
21          MS. RODGERS: Object to form.  
22          MR. DODD: Q. You had two  
23          meetings with your lawyer before this was  
24          completed, the EEOC charge?  
25          A. Correct. I met with them twice.

I think I must have missed something.  
1           A. Okay.  
2           Q. He held up a magazine and asked  
3           you what it was?  
4           A. Yes. Say, he was from --  
5           Q. Right. You said "it looks like a  
6           monkey."  
7           A. That's what I said.  
8           Q. He brought it over and put it on  
9           your desk, and it was a picture of a black  
10          man?  
11          A. Yes. He laughed, and he left.  
12          Q. Is that all he said?  
13          A. He laughed and he left.  
14          Q. He said nothing else?  
15          A. (Witness nods head)  
16          Q. How long before this comment in  
17          your affidavit did he do that?  
18          A. As I said, this was during the  
19          time when Dr. Elliott was Dean. That's all  
20          I could tell you. In fact, as I said, Dr.  
21          Elliott was there. In this same time we  
22          were talking about student enrollment trends.  
23          The population of black versus white census  
24          on Campus had changed to a greater number of

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1           Q. Look at Paragraph 3, please.  
2           A. Okay. On the first page?  
3           Q. Yes. You are referring to Chris  
4           Mahaffy saying that he had never seen a black  
5           person before he came to the United States of  
6           America?  
7           A. Yes.  
8           Q. Did he make that statement to you?  
9           A. He did.  
10          Q. When was that statement?  
11          A. This was during the time that Bob  
12          Elliott was Dean.  
13          Q. Is that statement offensive to you?  
14          A. It was offensive to me because of  
15          what he had done earlier. He had come into  
16          my office and he had -- it looked like a  
17          magazine. And he was far enough away that I  
18          couldn't really tell what it was, but close  
19          enough that I could see the image. He says,  
20          "What is this on here?" And I said, "A  
21          monkey." And he walked over to my desk and  
22          laid it down and it was a black man. So,  
23          yes, this was offensive to me.  
24          Q. Let me make sure I understand what  
25          you just said, because I don't think I did.

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1           blacks. We were -- well, not we. I was  
2           sitting at my desk and they were discussing  
3           the trends, he and Dr. Elliott. He made the  
4           comment that some blacks didn't seem as smart  
5           as whites. I took offense to that. After he  
6           left, I went into Bob's office and I  
7           discussed it with him. He said, "Chris is  
8           crazy." Nothing was done beyond that.  
9           "Every Dean has had a problem with Chris."  
10          Q. Did you ask Elliott to take any  
11          particular action?  
12          A. He just said, "Chris is crazy."  
13          That's all I remember him saying. There was  
14          no action taken. I guess he didn't think  
15          there was any action needed.  
16          Q. My question is, did you ask him to  
17          take any action?  
18          A. I did not ask him to take action.  
19          But I did voice my concern about the  
20          statements.  
21          Q. When he was having that  
22          conversation with Elliott, was he talking  
23          about citizens or students?  
24          A. Well, I think I said they were  
25          talking about the difference in the student

Cynthia Ellison

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| <p style="text-align: right;">Page 146</p> <p>1       population.</p> <p>2       Q. Right.</p> <p>3       A. Then it turned to blacks didn't</p> <p>4       seem as smart as whites, which I felt he</p> <p>5       thought because the population had changed,</p> <p>6       the content of their conversation whatever it</p> <p>7       was, meant it was because of the blacks.</p> <p>8       The number of blacks rising instead of</p> <p>9       falling or whatever.</p> <p>10      Q. Have you ever seen an Irishman</p> <p>11      before?</p> <p>12      A. No. Are you telling me Chris</p> <p>13      isn't Irish?</p> <p>14      Q. No.</p> <p>15      A. Okay.</p> <p>16      Q. Look at Paragraph 6, please. You</p> <p>17      are referring to Glen Ray.</p> <p>18      A. Yes, sir.</p> <p>19      Q. Did you ever determine what remarks</p> <p>20      Glen Ray referred to?</p> <p>21      A. I asked him and his comment to me</p> <p>22      -- he said, "They were so bad he couldn't</p> <p>23      repeat them." That's all I can tell you.</p> <p>24      Q. Look at Paragraph 9, please. Is</p> <p>25      that the incident we have already talked</p> | <p style="text-align: right;">Page 148</p> <p>1       Q. How did you get a copy of this?</p> <p>2       A. Dr. Lawal gave it to me.</p> <p>3       Q. Did you tell him you were going to</p> <p>4       make a copy it?</p> <p>5       A. He said to do what I had to do</p> <p>6       concerning Chris.</p> <p>7       Q. Did you interpret that to mean I</p> <p>8       can take this document and copy it and go</p> <p>9       outside with it?</p> <p>10      A. Yes, sir. That's what he told me</p> <p>11      to do at that time.</p> <p>12      Q. Well, he didn't literally tell you</p> <p>13      to copy this document and take it outside?</p> <p>14      A. I am telling you what I</p> <p>15      interpreted it to mean.</p> <p>16      Q. Did you tell him you had made a</p> <p>17      copy of it?</p> <p>18      A. Yes. And he said that he didn't</p> <p>19      -- what did he say? He said, "I didn't</p> <p>20      intend for you to do that because we need to</p> <p>21      save the documentation if we file suit in the</p> <p>22      summer." I told him that I couldn't wait</p> <p>23      until the summer because I was being</p> <p>24      retaliated against and in a workplace where I</p> <p>25      just really couldn't stay.</p>                                                                                                     |
| <p style="text-align: right;">Page 147</p> <p>1       about?</p> <p>2       A. That's correct.</p> <p>3       Q. Now, look at 10. The memorandum</p> <p>4       instructs Mahaffy to avoid retaliatory behavior</p> <p>5       toward you?</p> <p>6       A. Uh-huh.</p> <p>7       Q. You say he has not done so?</p> <p>8       A. Uh-huh.</p> <p>9       Q. What conduct is that referring to?</p> <p>10      A. Going back to No. 9.</p> <p>11      Q. Same thing?</p> <p>12      A. Uh-huh. And the fact that he was</p> <p>13      standing with me with his overcoat on with</p> <p>14      his hands in his pocket on January 18th.</p> <p>15      That was after the complaint had been filed.</p> <p>16      Q. But that was before AUM issued the</p> <p>17      February 3rd memorandum, correct?</p> <p>18      A. Okay.</p> <p>19      Q. Yes?</p> <p>20      A. Yes.</p> <p>21      Q. Look at Exhibit B, if you would,</p> <p>22      please. Okay.</p> <p>23      Now, you weren't an original</p> <p>24      recipient of this memorandum, were you?</p> <p>25      A. No. My name is not on there.</p>                                                              | <p style="text-align: right;">Page 149</p> <p>1       Q. When did you first see what's</p> <p>2       marked as Exhibit B to your affidavit?</p> <p>3       A. We were in -- Dr. Lawal and I</p> <p>4       were in the lobby of Goodwyn Hall. He asked</p> <p>5       me to go down there with him. He opened the</p> <p>6       letter. He read it, and he gave it to me.</p> <p>7       He didn't keep it to put it in a</p> <p>8       confidential file in his office. He gave me</p> <p>9       the letter. We walked back up to the</p> <p>10      office. And I had the letter in my hand</p> <p>11      when we went back to the office.</p> <p>12      Q. Did you and he discuss it?</p> <p>13      A. Well, we did because I told him I</p> <p>14      was going to use it.</p> <p>15      Q. You hadn't seen it before being</p> <p>16      with him in the lobby?</p> <p>17      A. Dr. Lawal showed it me.</p> <p>18      Q. You had not seen it before then?</p> <p>19      A. Uh-huh. In fact, I pointed out to</p> <p>20      him that the very first statement on this</p> <p>21      letter, in my meeting with Dr. Ritvo I asked</p> <p>22      for a summary of my meeting. He said there</p> <p>23      were no summaries going to be given out.</p> <p>24      Yet, this memo starts, "It serves as a</p> <p>25      summary." Chris got a summary of his</p> |

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| <p style="text-align: right;">Page 150</p> <p>1 meeting, but I didn't get a summary.<br/>     2 Q. Nobody was seeking to discipline<br/>     3 you, were they?<br/>     4 MS. RODGERS: Object to form.<br/>     5 THE WITNESS: Well, I was<br/>     6 retaliated against. I was subjected to a<br/>     7 hostile environment.<br/>     8 MR. DODD: Q. Had anybody filed<br/>     9 a complaint against you in which you ended up<br/>     10 being disciplined?<br/>     11 A. Well, Barbara Ware.<br/>     12 Q. With respect to the Mahaffy<br/>     13 incident?<br/>     14 A. No.<br/>     15 Q. In fact, you were somebody who was<br/>     16 complaining against Mahaffy, were you not?<br/>     17 A. I wasn't complaining. I was<br/>     18 letting the University know that I was in a<br/>     19 situation that needed attention. That's<br/>     20 different from complaining.<br/>     21 Q. Would you consider your December<br/>     22 the 3rd memorandum a complaint or not?<br/>     23 A. It says that it's a complaint, I<br/>     24 believe.<br/>     25 Q. I am asking you what it is. You</p>     | <p style="text-align: right;">Page 152</p> <p>1 Q. My question is, by the time you<br/>     2 had signed your affidavit and signed your<br/>     3 EEOC charge, you had already given the<br/>     4 University notice of your retirement, right?<br/>     5 A. I was in such a state that I had<br/>     6 no recourse. I had nothing else to do.<br/>     7 Q. I am only asking you if you had<br/>     8 given notice of your retirement before you<br/>     9 signed the affidavit and before you signed<br/>     10 the EEOC charge?<br/>     11 A. I don't remember.<br/>     12 Q. Well, let's look. What is the<br/>     13 date on your notice to Bayo Lawal of your<br/>     14 retirement?<br/>     15 A. February the 9th, 2005.<br/>     16 Q. What is the date of your signature<br/>     17 on your affidavit?<br/>     18 A. February 10th.<br/>     19 Q. And on your EEOC charge?<br/>     20 A. February the 10th.<br/>     21 Q. Your resignation did precede the<br/>     22 completion of your EEOC charge?<br/>     23 A. Because I explained to my attorneys<br/>     24 what was happening to me and they advised me<br/>     25 to leave.</p> |
| <p style="text-align: right;">Page 151</p> <p>1 wrote it.<br/>     2 MS. RODGERS: Object.<br/>     3 Argumentative. Just look at it.<br/>     4 THE WITNESS: It's the complaint<br/>     5 that Dr. Ritvo asked me to write.<br/>     6 MR. DODD: Q. Are you the<br/>     7 complaining party in this complaint?<br/>     8 MS. RODGERS: Object to form.<br/>     9 THE WITNESS: I am the author of<br/>     10 that memo.<br/>     11 MR. DODD: Q. Now, Ms. Ellison,<br/>     12 by the time you signed your affidavit and<br/>     13 signed your EEOC charge, you had already<br/>     14 given the University notice of your<br/>     15 retirement, correct? In fact, that's the<br/>     16 fourth exhibit to your EEOC charge, isn't it?<br/>     17 A. And if I'm not mistaken, that's<br/>     18 probably the date that Dr. Lawal received the<br/>     19 communication from Julian McPhillips.<br/>     20 Q. What date?<br/>     21 A. February the 9th, 2005.<br/>     22 Q. Do you believe that to be the<br/>     23 case?<br/>     24 A. I don't know. I don't have it<br/>     25 with me to look at it.</p> | <p style="text-align: right;">Page 153</p> <p>1 MS. RODGERS: Object to form.<br/>     2 MR. DODD: That's fine. I'm just<br/>     3 trying to establish a sequence. I didn't ask<br/>     4 you why.<br/>     5 MS. RODGERS: You don't have to<br/>     6 argue or even comment on that. Let him<br/>     7 argue. You answer the questions. When you<br/>     8 finish answering your questions, you are<br/>     9 finished until the next question is asked and<br/>     10 not argued.<br/>     11 MR. DODD: Q. Who is Debra<br/>     12 Carter?<br/>     13 A. She is my ex sister-in-law.<br/>     14 Q. Why is she on your list?<br/>     15 A. Because she comes to the church<br/>     16 that I go at least twice a month and I<br/>     17 shared with her some of the events that were<br/>     18 happening to me on the job.<br/>     19 Q. Do you know if she has any<br/>     20 firsthand knowledge of what was happening to<br/>     21 you on the job?<br/>     22 A. Only what I told you.<br/>     23 Q. Is she a parishioner at your<br/>     24 church, or does she have any other function<br/>     25 there?</p>                                |

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| <p style="text-align: right;">Page 154</p> <p>1        A. She is a member at the church.<br/>     2        Is that the same as a parishioner?<br/>     3        Q. I intended it in that fashion.<br/>     4        A. Okay.<br/>     5        Q. Did you look to her for any sort<br/>     6        of spiritual guidance?<br/>     7        A. I looked to her really for advice.<br/>     8        Because she was a woman. I was being<br/>     9        retaliated against. I was in an<br/>     10      uncomfortable situation, and I needed to talk.<br/>     11      Q. What advice did she give you?<br/>     12      A. She advised me to document<br/>     13      everything and to report everything to my<br/>     14      supervisors and the chain-of-command.<br/>     15      Q. Did she give you any other advice?<br/>     16      A. Such as what?<br/>     17      Q. I'm sorry.<br/>     18      A. Such as what? What other advice?<br/>     19      Q. Any other advice.<br/>     20      A. She was a listening ear.<br/>     21      Q. Is that a "no"?<br/>     22      A. Was there a question?<br/>     23      Q. Yes.<br/>     24      A. What was the question?<br/>     25      Q. I asked you what other advice, if</p> | <p style="text-align: right;">Page 156</p> <p>1        Q. Hostile work environment. When I<br/>     2        say "harassment," I will try to remember to<br/>     3        include hostile work environment, but I am<br/>     4        referring to both.<br/>     5        A. Okay.<br/>     6        Q. Did you suffer any tangible job<br/>     7        detriment, other than being forced to retire<br/>     8        on account of any of the kinds of<br/>     9        discrimination you are claiming?<br/>     10      A. Job detriment at AUM?<br/>     11      Q. Yes.<br/>     12      A. I couldn't do my job. After the<br/>     13      complaint was filed, it was almost impossible<br/>     14      to do work.<br/>     15      Q. The complaint you are referring to<br/>     16      is December 3rd?<br/>     17      A. December 3rd, 2004.<br/>     18      Q. Right. Well, did you suffer a<br/>     19      loss in salary as a result of that?<br/>     20      A. No.<br/>     21      Q. Did the University deny you any<br/>     22      leave as a result of that?<br/>     23      A. No.<br/>     24      Q. Do you know if the University took<br/>     25      any sort of tangible action that affected</p>                                                                                         |
| <p style="text-align: right;">Page 155</p> <p>1        she gave you any other advice?<br/>     2        A. She didn't give me any other<br/>     3        advice.<br/>     4        Do you mind if I get some water?<br/>     5        Q. Go ahead. Ms. Ellison, I want to<br/>     6        ask you some questions about the complaint<br/>     7        you filed in Federal Court, right?<br/>     8        A. Okay.<br/>     9        Q. That's different than the EEOC<br/>     10      charge. Are you with me?<br/>     11      A. Okay.<br/>     12      Q. In your complaint you refer to<br/>     13      four distinct claims. One is for race<br/>     14      discrimination; one is for retaliation; one is<br/>     15      for harassment; one is for a constructive<br/>     16      discharge. I want to ask you a little bit<br/>     17      about those claims.<br/>     18      A. Okay.<br/>     19      Q. You say that you were forced to<br/>     20      retire, right?<br/>     21      A. Right.<br/>     22      Q. Now, was that forced retirement a<br/>     23      result of the race discrimination, the<br/>     24      retaliation and the harassment?<br/>     25      A. And the hostile work environment.</p>      | <p style="text-align: right;">Page 157</p> <p>1        your job adversely?<br/>     2        A. I was affected adversely because I<br/>     3        was not given security.<br/>     4        Q. We talked about that already.<br/>     5        A. Right.<br/>     6        Q. Okay. Did you feel compelled to<br/>     7        retire because of the race discrimination you<br/>     8        felt?<br/>     9        A. I felt compelled to retire because<br/>     10      of all of it. Race, all of it. In fact,<br/>     11      even after the conclusion of the first<br/>     12      investigation with the Allison Stevens<br/>     13      incident, Debra Foster sent me her letter and<br/>     14      Allison her letter. Both our names was on<br/>     15      the letter. The day after that she sent me<br/>     16      an e-mail to the Hyundai site and called me<br/>     17      and said she sent it to me because I was<br/>     18      eligible to retire, and she thought she would<br/>     19      send that to me.<br/>     20      Q. Did you ever talk with anyone<br/>     21      about applying for a job out there?<br/>     22      A. No, I did not.<br/>     23      Q. You didn't talk to Bob Elliott<br/>     24      about that?<br/>     25      A. I didn't. I talked to him about</p> |

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1 my daughter applying for a job out there.  
 2

3 Q. Other than the remarks you refer  
 4 to in the third paragraph of your affidavit  
 5 that Chris Mahaffy made --

6 A. Yes, sir.

7 Q. -- did he make any other racially  
 8 insensitive remarks to you?

9 A. Well, as I told them as I was  
 10 doing this, there were so many I couldn't  
 11 remember them all. I gave you the one about  
 12 the magazine with the man and the monkey.  
 13 This was just something that Chris did. I  
 14 mean, I didn't know to write down every  
 15 single one.

16 Q. Can you recall any others other  
 17 than those three?

18 A. Not at this time.

19 Q. Is there anywhere you would go to  
 20 refresh your recollection as to how many  
 21 times he made comments that you found  
 22 insensitive?

23 A. What you say where I would go, do  
 24 you mean to AUM, to my house, to what?

25 Q. You said you can't recall. I'm  
 26 just trying to see if there was some way we

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1 can assist your recollection.

2 A. I don't know how you can assist  
 3 me.

4 Q. You don't have a written record  
 5 somewhere of bad things that Chris Mahaffy  
 6 said?

7 A. No. I don't have that.

8 Q. You have given all the records  
 9 about your allegations to your lawyer, right?

10 A. I have.

11 Q. Did Roger Ritvo ever make any  
 12 racially insensitive remarks to you?

13 A. He did not.

14 Q. Did Bayo Lawal make any racially  
 15 insensitive remarks to you?

16 A. Well, he did.

17 Q. What were they?

18 A. He said that -- well, he didn't  
 19 particularly care for Glen Ray as the  
 20 Associate Dean because he said he didn't keep  
 21 any of the matters they discussed  
 22 confidential. He wanted me to suggest to him  
 23 who he could have take his place at the end  
 24 of his tenure as Associate Dean that coming  
 25 summer. Because it was a two-year

1 appointment. I suggested Rosine Hall. He  
 2 says, "No, I don't want her." I said, "What  
 3 about me? I know the school." He says, "I  
 4 don't want a woman assistant, black or  
 5 white." That was the only racial thing that  
 6 I can remember right now.

7 Q. We have talked about Mahaffy's  
 8 remarks, right. We have talked about his  
 9 conduct. Showing up in your office and that  
 10 sort of thing. We talked about Allison  
 11 Stevens.

12 A. Yes.

13 Q. Are there any other incidents of  
 14 racial discrimination or harassment that you  
 15 are aware of?

16 A. Towards me?

17 Q. Yes. Toward you.

18 A. I can't recall right now. There  
 19 is one more that I thought of.

20 Q. All right.

21 A. I'm sorry.

22 Q. It's all right.

23 A. I am hesitating because I am  
 24 thinking about the date.

25 Q. You know I am going to ask you

1 that.

2 A. Yes. I am more than certain that  
 3 it was after the overcoat incident, which was  
 4 on or about January the 18th or 19th.  
 5 Several days later Chris came into my office  
 6 and there was a student worker at the other  
 7 desk. He came into my office and stood in  
 8 front of me. I was busy doing something.  
 9 He got my attention. He says, "I want you  
 10 to read my shirt." And I looked up and the  
 11 shirt said something like, "I am a redneck."  
 12 He said, "What do you think about that?" I  
 13 said, "I am offended." He laughed and left.  
 14 I went into Dr. Lawal's office and reported  
 15 it.

16 Q. What did Lawal say?

17 A. He didn't say anything really. I  
 18 just wanted to be sure I reported it.

19 Q. Who was the student worker?

20 A. Nikki Gibson. And this was the  
 21 time when I had hired five student workers.  
 22 So I think Nikki -- because I had to staff  
 23 the Advising Office and the Dean's office and  
 24 their schedules -- I believe it was Nikki  
 25 Gibson and Marquita Snow.

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|    | Page 162                                      |    | Page 164                                      |
| 1  | <i>Q.</i> They were both in there?            | 1  | <i>was hired.</i>                             |
| 2  | <i>A.</i> Yes, sir.                           | 2  | <i>Q.</i> Who are you referring to?           |
| 3  | <i>Q.</i> Tell me why you were offended by a  | 3  | <i>A.</i> Chris Mahaffy.                      |
| 4  | T-shirt that says, "I am a redneck"?          | 4  | <i>Q.</i> Barbara?                            |
| 5  | <i>A.</i> Because I feel like "redneck" means | 5  | <i>A.</i> Barbara Ware. I'm sorry.            |
| 6  | you are looking down on the minority. That's  | 6  | <i>Q.</i> 2004 maybe.                         |
| 7  | the person who feels like minorities are      | 7  | <i>A.</i> No. Okay. I was on the second       |
| 8  | lower class.                                  | 8  | Dean search which ended about April or May of |
| 9  | <i>Q.</i> Have you ever heard any other       | 9  | 2005. I'm sorry. Yes, I am behind. 2004.      |
| 10 | definition of "redneck"?                      | 10 | <i>Q.</i> Okay. It was approximately mid      |
| 11 | <i>A.</i> I can't say that I have, sir.       | 11 | 2004 that he made that statement              |
| 12 | <i>Q.</i> Would you be surprised to know      | 12 | <i>A.</i> In July. It was whenever Barbara    |
| 13 | there are others?                             | 13 | Ware was hired.                               |
| 14 | <i>A.</i> I wouldn't be surprised.            | 14 | <i>Q.</i> He said he was going to get you?    |
| 15 | <i>Q.</i> If you think of other incidents,    | 15 | <i>A.</i> That's what he said.                |
| 16 | just interrupt me and let me know. Okay.      | 16 | <i>Q.</i> Did he say anything else?           |
| 17 | <i>A.</i> I will.                             | 17 | <i>A.</i> That's pretty much what he said at  |
| 18 | <i>Q.</i> I asked some questions earlier      | 18 | that time.                                    |
| 19 | about Mahaffy before he became Chair of       | 19 | <i>Q.</i> You interpreted that as a threat?   |
| 20 | Physical Sciences.                            | 20 | <i>A.</i> I did.                              |
| 21 | <i>A.</i> Okay.                               | 21 | <i>Q.</i> Who did you report it to?           |
| 22 | <i>Q.</i> I am going to ask you some          | 22 | <i>A.</i> Brad Moody.                         |
| 23 | questions about him after he became Chair.    | 23 | <i>Q.</i> What did Brad do?                   |
| 24 | <i>A.</i> Okay.                               | 24 | <i>A.</i> I believe Brad, if I'm not          |
| 25 | <i>Q.</i> Okay. Did he ever touch you?        | 25 | mistaken, talked to Chris.                    |
|    | Page 163                                      |    | Page 165                                      |
| 1  | <i>A.</i> You asked me that, and I said       | 1  | <i>Q.</i> Why do you think he talked to       |
| 2  | "no."                                         | 2  | Chris?                                        |
| 3  | <i>Q.</i> I thought I was referring to the    | 3  | <i>A.</i> Because we were going through some  |
| 4  | previous time. He has never touched you then? | 4  | more issues with Chris. I mean, I can't       |
| 5  | <i>A.</i> No.                                 | 5  | tell you every single thing because they      |
| 6  | <i>Q.</i> He has never made any physical      | 6  | didn't tell me. Glen would share with me      |
| 7  | oral threats to you, has he?                  | 7  | that Chris was a problem. He would share      |
| 8  | <i>A.</i> You said "physical" and "oral."     | 8  | that almost every single day of the week.     |
| 9  | Which one did you --                          | 9  | He really went over the edge when he did not  |
| 10 | <i>Q.</i> Oral threats of physical -- strike  | 10 | get to be Dean. He continued to harass me     |
| 11 | that.                                         | 11 | because he thought for some reason, and I am  |
| 12 | Has he ever made a statement to               | 12 | sure the reason was because he thought I      |
| 13 | you that you found threatening?               | 13 | could influence the Committee because I was   |
| 14 | <i>A.</i> Yes, sir.                           | 14 | the only black on the Committee, and maybe he |
| 15 | <i>Q.</i> What did he say?                    | 15 | thought I knew him and I was going to say     |
| 16 | <i>A.</i> He said that he was going to get    | 16 | things good about him. In fact, he came to    |
| 17 | me because I was on the second Dean search,   | 17 | me with an e-mail address and said, "No one   |
| 18 | and he was not selected to the short list to  | 18 | will know if you send me information about    |
| 19 | be interviewed.                               | 19 | the Committee's work, Search Committee's work |
| 20 | <i>Q.</i> When did he say that?               | 20 | to this e-mail address." I reported that to   |
| 21 | <i>A.</i> It was -- I can tell you exactly    | 21 | Brad. I reported it to Glen, and I also       |
| 22 | because he was interviewing for the position  | 22 | reported that to Judd Katz. And at that       |
| 23 | that Barbara now has. So it was about mid     | 23 | time I told Chris it was inappropriate and I  |
| 24 | July, 2005. Because I think Barbara was       | 24 | would not do it.                              |
| 25 | hired in July. It was around the time she     | 25 | <i>Q.</i> Do you think that Mahaffy was mad   |

Cynthia Ellison

April 27, 2006

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| <p style="text-align: right;">Page 166</p> <p>1 at you because you didn't support him to be<br/>2 Dean?<br/>3 A. He said he was.<br/>4 Q. Do you believe that?<br/>5 A. He was convincing to me.<br/>6 Q. I believe you told me that Dr.<br/>7 Lawal is the individual you contend retaliated<br/>8 against you?<br/>9 A. He wasn't the only one.<br/>10 Q. Who else?<br/>11 A. I believe Debra Foster retaliated.<br/>12 Q. When did Debra Foster retaliate?<br/>13 A. In sending me that e-mail and<br/>14 saying, "You know, you have got enough time<br/>15 to retire. Here is a site, Hyundai. Why<br/>16 don't you look into getting a job." That<br/>17 was at the end of the complaint with Allison.<br/>18 Q. That was back in spring of 2004?<br/>19 A. If that's the date on her report,<br/>20 yes. I think it was about then.<br/>21 Q. Did Debra Foster retaliate against<br/>22 you in any other way?<br/>23 A. Yes.<br/>24 Q. How?<br/>25 A. She called me to her office after</p>                                                                                                                                                                                                                                                  | <p style="text-align: right;">Page 168</p> <p>1 not asking you to take sides." I said, "But<br/>2 you know what has happened to me." Well,<br/>3 whatever the periods of times before that I<br/>4 had been here. "I am simply asking you do<br/>5 you believe I have been mistreated?" Debra<br/>6 stormed out of the room. Came back. No, she<br/>7 sent a student back. Handed me a piece of<br/>8 paper. No, it was Debra. Debra came back,<br/>9 handed me a piece of paper and she said, "If<br/>10 you have anything else to say, say it to our<br/>11 attorneys." When I looked at the paper it<br/>12 said Tom Rebel, whatever his information is.<br/>13 That's when I came to Julian McPhillips.<br/>14 I had no intention of coming here,<br/>15 but when I saw that the University wasn't<br/>16 going to do anything because she told me she<br/>17 was representing the attorneys. So she ended<br/>18 it with, "Do what you have to do." So I<br/>19 did what I had to do given that she handed<br/>20 me the information to do it with and said,<br/>21 "The next conversation, let it be through the<br/>22 attorneys."<br/>23 Q. What did she hand you?<br/>24 A. A piece of paper that had a<br/>25 typewritten name and address of somebody named</p> |
| <p style="text-align: right;">Page 167</p> <p>1 -- and forgive me if I don't know which one,<br/>2 EEOC, affidavit whatever. Whatever had been<br/>3 filed she had been in contact with, she told<br/>4 me the University attorneys. That they had<br/>5 given her some information to give me. She<br/>6 needed to see me. Actually, there were two<br/>7 occasions that this happened.<br/>8 The first occasion she just said,<br/>9 "We are working on it. We are looking into<br/>10 it."<br/>11 The second time she called me over<br/>12 there she said, "The University attorney<br/>13 called, and they said to tell you that" --<br/>14 and this is the first time I ever heard of<br/>15 the phrase "constructive discharge." That you<br/>16 are not getting constructive discharge. They<br/>17 want to know what you want."<br/>18 I said Debra, "I simply want you<br/>19 to do your job." We were sitting in Faye<br/>20 Ward's office. Debra and I were sitting at<br/>21 the table. Faye was sitting behind her desk.<br/>22 She said, "What do you want?" And I said,<br/>23 "I really want you to do your job." And I<br/>24 asked a simple question. I said, "Debra, do<br/>25 you believe that I have been mistreated? I'm</p> | <p style="text-align: right;">Page 169</p> <p>1 Rebel, and I gave that information to Mr.<br/>2 McPhillips.<br/>3 Q. Early February you think?<br/>4 A. It had to be.<br/>5 Q. How did the topic of constructive<br/>6 discharge come up?<br/>7 A. Debra brought it up.<br/>8 Q. Had you said or written before<br/>9 that time that you felt like the University<br/>10 was forcing you out?<br/>11 A. Absolutely.<br/>12 Q. Other than Debra Foster and Dr.<br/>13 Lawal, did anybody else retaliate against you?<br/>14 A. I have said I think Dr. Ritvo<br/>15 retaliated.<br/>16 Q. Tell me how he did that.<br/>17 A. The no security issue. I think he<br/>18 treated Chris differently than he treated me.<br/>19 The letter that Bayo shared with me that was<br/>20 written to Chris states that Chris had a<br/>21 month to decide what he wanted to do. Then<br/>22 he had until the end of the summer to<br/>23 complete whatever he decided he wanted to do.<br/>24 Yet, they had taken me off Campus that day<br/>25 because they knew he was a threat.</p>                                                                                                                                                                                                 |

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| <p style="text-align: right;">Page 170</p> <p>1       Q. Now, what makes you think that<br/>2       Ritvo did those things because you had<br/>3       complained at his request?<br/>4       A. I think I viewed it as<br/>5       retaliation. Now, I don't know how else to<br/>6       explain it.<br/>7       Q. Okay. Let's try it this way.<br/>8       What is your definition of retaliation?<br/>9       A. Getting back at someone or --<br/>10      well, let me just leave it like that.<br/>11      Getting back at someone or something like<br/>12      that.<br/>13      Q. You felt that Roger Ritvo was<br/>14      getting back at you for doing what?<br/>15      A. I felt in general Ritvo, the<br/>16      University, everybody's name that I gave on<br/>17      that list was retaliating against me because<br/>18      I filed these complaints.<br/>19      Q. Now, Roger Ritvo, though, solicited<br/>20      that complaint from you, did he not?<br/>21      A. He did. But he didn't do what he<br/>22      said he was going to do. He said he was<br/>23      going to put it with Bayo and send it to<br/>24      Debra. That's the first thing that didn't<br/>25      happen.</p>                                                                                                        | <p style="text-align: right;">Page 172</p> <p>1       about at some length --<br/>2       A. What conduct?<br/>3       Q. -- concerning Chris Mahaffy.<br/>4       A. Yes.<br/>5       Q. -- is there anything else you want<br/>6       to add about how he retaliated against you?<br/>7       A. Chris?<br/>8       Q. Yes. We talked about coming to<br/>9       your office and looking in the window and<br/>10      standing at your desk. Anything else?<br/>11      A. Well, I think the remark that he<br/>12      is going to get me. That was retaliation<br/>13      for not being selected for the short list on<br/>14      the Dean's search.<br/>15      Q. I understand that. Is that all<br/>16      you can think of?<br/>17      A. I think that the incident with<br/>18      the, "I am a redneck" T-shirt.<br/>19      Q. We talked about that.<br/>20      A. Uh-huh. I am going to stand for<br/>21      a moment.<br/>22      Q. Do you want to walk down the hall?<br/>23      A. I'm fine. I just need to stretch<br/>24      my leg.<br/>25      Q. Ms. Ellison, do you think that the</p>                                                                                                    |
| <p style="text-align: right;">Page 171</p> <p>1       Q. Why is that significant?<br/>2       A. Because I feel like if you tell me<br/>3       something that you are going to do, and I am<br/>4       saying that I am being mistreated and<br/>5       retaliated against, and you are being<br/>6       mistreated and retaliated against, you take<br/>7       one and put it in the file and you take the<br/>8       other, send it up and then you tell the<br/>9       person, "Cynthia filed a complaint." I<br/>10      become the target. That's the way I felt.<br/>11      Q. How do you know that Roger Ritvo<br/>12      ignored Bayo's complaint?<br/>13      A. Because Bayo told me. He didn't<br/>14      say he ignored it. He said that he, Bayo,<br/>15      and Debra Foster and Ritvo had talked. They<br/>16      said they were going to view his complaint as<br/>17      a management style problem. But he, Bayo,<br/>18      told me that he said to Debra Foster and to<br/>19      Dr. Ritvo, "This is not management." This is<br/>20      harassment." And he wanted his complaint<br/>21      considered with mine.<br/>22      Q. You haven't seen his complaint,<br/>23      have you?<br/>24      A. I have not seen his complaint.<br/>25      Q. Other than the conduct we talked</p> | <p style="text-align: right;">Page 173</p> <p>1       folks we have talked about, Ritvo, Mahaffy,<br/>2       Bayo, did the things they did after you filed<br/>3       your complaint in order to force you out?<br/>4       A. That's my belief.<br/>5       Q. Do you believe that that was -- I<br/>6       mean, that was their goal, right?<br/>7       A. I can't speak for them.<br/>8       Q. What would you point to, if<br/>9       anything, to show that they took action<br/>10      deliberately to force you out?<br/>11      MS. RODGERS: Object to form.<br/>12      THE WITNESS: In particular, the<br/>13      treatment the last week and a half that I<br/>14      received from Bayo, and the treatment I<br/>15      received all along from Chris, and again the<br/>16      e-mail from Debra. I think she wanted to<br/>17      see me go.<br/>18      MR. DODD: Q. That was the year<br/>19      before, wasn't it?<br/>20      A. It still happened.<br/>21      Q. Let's talk about your environment<br/>22      from the time you filed the complaint on<br/>23      December 3rd until you left on February 14th.<br/>24      A. Okay.<br/>25      Q. Your office was the same, wasn't</p> |

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| <p style="text-align: right;">Page 174</p> <p>1        it?</p> <p>2        A. Did you say "office"?</p> <p>3        Q. Yes.</p> <p>4        A. Yes, sir.</p> <p>5        Q. The same office. Your hours of<br/>6        work were the same?</p> <p>7        A. That's correct.</p> <p>8        Q. You had the same student help,<br/>9        didn't you?</p> <p>10      A. I did.</p> <p>11      Q. Did you receive any negative<br/>12     evaluations of any kind concerning your work?</p> <p>13      A. It wasn't time for evaluations.</p> <p>14      Q. Did you receive any negative<br/>15     comments at all concerning your job<br/>16     competency?</p> <p>17      A. Well, Bayo commented that he didn't<br/>18     seem to think I was getting things done fast<br/>19     enough.</p> <p>20      Q. When was that comment made?</p> <p>21      A. This was after our meeting on the<br/>22     31st of January with Ritvo.</p> <p>23      Q. What was he referring to?</p> <p>24      A. I don't remember exactly what I<br/>25     was working on. But he just -- as I said</p>                                                                                                                                                                                     | <p style="text-align: right;">Page 176</p> <p>1        things in the office.</p> <p>2        Q. Open the mail?</p> <p>3        A. Open the mail, communicate with him<br/>4        about who is on the phone, who needed to see<br/>5        him. It was virtually shut down. So, in my<br/>6        opinion, I felt like he forced me to leave.<br/>7        I'm not going to sit there and work for<br/>8        nobody when he is saying -- and he said to<br/>9        me, "You have done this to me because of<br/>10      that suit." He just completely changed.</p> <p>11      Q. This was after, I guess, he had<br/>12     gotten the letter then?</p> <p>13      A. After the letter?</p> <p>14      Q. From the lawyer.</p> <p>15      A. From the lawyer and after I used<br/>16     Chris' letter. He told me that I had<br/>17     compromised the integrity of the office. He<br/>18     didn't trust me any more. He didn't want me<br/>19     to do anything. And I reminded him that he<br/>20     gave me the letter and told me to do with it<br/>21     what I thought I needed to do.</p> <p>22      Q. He learned that you had given the<br/>23     letter to the lawyer how? Strike that,<br/>24     please.</p> <p style="text-align: right;">How do you think he learned that</p> |
| <p style="text-align: right;">Page 175</p> <p>1        earlier, he just changed. Nothing I did<br/>2        pleased him. I couldn't do it right, and I<br/>3        had been doing the same things before.</p> <p>4        Q. Well, were you behind on whatever<br/>5        you were working on?</p> <p>6        A. I wasn't behind. As I stated<br/>7        earlier, he told me, "Don't open the mail any<br/>8        more. Don't talk to me any more. If you<br/>9        want to talk to me, send me an e-mail." When<br/>10      two people are working in the office it is<br/>11      not feasible to send e-mails to get the job.</p> <p>12      Q. He told you that as a result of<br/>13      the shredding incident, didn't he?</p> <p>14      A. You asked me what changed between<br/>15      December and the time I left. That was in<br/>16      that period.</p> <p>17      Q. Now, I am trying to pinpoint.<br/>18      That was after the shredding incident, wasn't<br/>19      it?</p> <p>20      A. Yes.</p> <p>21      Q. Did any of your job duties change?</p> <p>22      A. I think they changed because he<br/>23      wouldn't let me do them.</p> <p>24      Q. What wouldn't they let you do?</p> <p>25      A. He wouldn't let me do the routine</p> | <p style="text-align: right;">Page 177</p> <p>1        you had given the letter to the lawyer?</p> <p>2        A. I guess in the correspondence from<br/>3        the lawyer. I really don't know.</p> <p>4        Q. During that time you didn't take<br/>5        any leave of absence, did you?</p> <p>6        A. During what time?</p> <p>7        Q. December the 3rd through February<br/>8        14th.</p> <p>9        A. I took funeral leave.</p> <p>10      Q. Funeral leave?</p> <p>11      A. Uh-huh.</p> <p>12      Q. That was for your father?</p> <p>13      A. Yes. And I also took -- I may<br/>14      have had two or three vacation days in there<br/>15      because I was going to the Cancer Center for<br/>16      treatment for my condition.</p> <p>17      Q. Those were voluntary things on your<br/>18      part?</p> <p>19      A. Right.</p> <p>20      Q. Other than those treatments, you<br/>21      didn't seek any kind of medical or<br/>22      psychological assistance during that time?</p> <p>23      A. Just with my pastor.</p> <p>24      Q. You didn't receive any reprimands,<br/>25      did you?</p>                                                                                                                                                     |

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|    | Page 178                                       |    | Page 180                                      |
|----|------------------------------------------------|----|-----------------------------------------------|
| 1  | A. From Dr. Lawal or at all?                   | 1  | That wasn't Bayo. That was Brad because that  |
| 2  | Q. From anyone.                                | 2  | was after.                                    |
| 3  | A. Not that I recall.                          | 3  | Q. Brad told you that Mahaffy had had         |
| 4  | Q. Your pay didn't change, right?              | 4  | a meeting?                                    |
| 5  | A. That's correct.                             | 5  | A. It was either Brad or Bob. After           |
| 6  | Q. Chris Mahaffy didn't make any               | 6  | the Allison incident and Brad was in the      |
| 7  | racially-related remarks to you after December | 7  | Dean's chair. It was Brad and not Bayo.       |
| 8  | 3rd, did he?                                   | 8  | Q. Did anyone else in the School of           |
| 9  | A. Not any racial remarks, but he              | 9  | Sciences have complaints about Mahaffy?       |
| 10 | intimidated me by coming to my office.         | 10 | A. Just about everybody in the School         |
| 11 | Q. I think you wrote somewhere that            | 11 | of Sciences.                                  |
| 12 | other staff members or faculty stopped talking | 12 | Q. What kind of complaints did the            |
| 13 | to you.                                        | 13 | other folks have about him?                   |
| 14 | A. Yes.                                        | 14 | A. I can only tell you what they              |
| 15 | Q. Do you recall that?                         | 15 | expressed to me.                              |
| 16 | A. I do.                                       | 16 | Q. That's fine.                               |
| 17 | Q. When did that occur?                        | 17 | A. Rosine Hall called me, or she was          |
| 18 | A. It occurred after the -- I think            | 18 | in the office making copies and she said that |
| 19 | that was after the incident with Allison.      | 19 | Chris had come to her office and spent an     |
| 20 | Q. That was back in 2004?                      | 20 | hour venting about what had happened. When I  |
| 21 | A. Right.                                      | 21 | say, "what had happened," I am talking with   |
| 22 | Q. Did that ever change?                       | 22 | the situation with him being taken down as    |
| 23 | A. Dr. Thomas and Ms. Findley pretty           | 23 | Department head. She said for me to be        |
| 24 | much spoke to me and talked to me, but the     | 24 | careful because he was really upset, and he   |
| 25 | rest of them didn't.                           | 25 | was nuts.                                     |
|    | Page 179                                       |    | Page 181                                      |
| 1  | Q. How many others were there?                 | 1  | Dr. Elliott referred to -- they               |
| 2  | A. Dr. Arnold, Mr. Russell, Jill               | 2  | basically all made the comment that he was    |
| 3  | Rollins. It's been some time, so bear with     | 3  | crazy. Something was wrong with him. The      |
| 4  | me.                                            | 4  | Department heads had a problem with him in    |
| 5  | Q. I understand.                               | 5  | the Department head's meeting. It was just a  |
| 6  | A. Arnold, Russell, Jill Rollins and           | 6  | combination of student complaints, faculty    |
| 7  | there was Thomas and Findley. That was the     | 7  | complaints. Everybody just about.             |
| 8  | staff.                                         | 8  | Q. Do you know if anyone ever                 |
| 9  | Q. Do you believe that somebody                | 9  | complained about the types of -- strike that. |
| 10 | encouraged them to stop communicating with     | 10 | Do you know if anybody complained             |
| 11 | you?                                           | 11 | about any sort of physical activity of        |
| 12 | A. Well, I know that they had a                | 12 | Mahaffy?                                      |
| 13 | Departmental meeting because Bayo told me, and | 13 | A. Just that one incident that I              |
| 14 | they discussed me in the meeting. That's       | 14 | remember that I told you about earlier. He    |
| 15 | when I noticed the change in the behavior of   | 15 | and a student got into it in one of the       |
| 16 | some of them.                                  | 16 | labs.                                         |
| 17 | Q. What did Bayo tell them?                    | 17 | Q. Do you know if anyone else                 |
| 18 | A. Bayo didn't tell them anything.             | 18 | complained about Mahaffy?                     |
| 19 | He said that Chris had a meeting with them.    | 19 | A. I thought we just answered that.           |
| 20 | Q. What did Chris tell them?                   | 20 | What was the question previous to this?       |
| 21 | A. I wasn't in the meeting.                    | 21 | Q. Well, maybe it was my misuse of            |
| 22 | Q. You don't know?                             | 22 | language. I asked you if anybody had          |
| 23 | A. No. I wasn't in the meeting.                | 23 | complaints about him. The second question     |
| 24 | Q. Do you know if anyone else --               | 24 | was, did anyone actually complain about him   |
| 25 | A. I'm sorry. I made a mistake.                | 25 | to Debra, to the Dean?                        |

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| <p style="text-align: right;">Page 182</p> <p>1        A. Debra will have to answer that<br/>2        question. We did have complaints to each<br/>3        Dean. We had complaints to Brad. We had<br/>4        complaints to Bob. We even had complaints to<br/>5        Joe Hill about Chris Mahaffy.</p> <p>6        Q. Coming from all different people?</p> <p>7        A. Different people, yes. In<br/>8        particular, I can give you an example.</p> <p>9        Q. Okay.</p> <p>10      A. I think this is when Brad was the<br/>11     Dean. Chris told a student that he was too<br/>12     old to get into pharmacy school and the<br/>13     student complained to us. It went all the<br/>14     way to the Vice Chancellor's office. I don't<br/>15     know what the follow up was. I do know that<br/>16     several times they had to go downtown<br/>17     somewhere.</p> <p>18      Q. Do you know if anything was ever<br/>19     done by the University in response to the<br/>20     complaints about Mahaffy up until 2005, of<br/>21     course?</p> <p>22      A. Define "done." What do you mean<br/>23     by "done."</p> <p>24      Q. Any action taken against him for<br/>25     his behavior?</p>             | <p style="text-align: right;">Page 184</p> <p>1        Lawal that I would be there.</p> <p>2        Q. I am referring now to the<br/>3        retirement notice you handed in on February<br/>4        9th?</p> <p>5        A. Okay.</p> <p>6        Q. And you committed to staying on<br/>7        through February 25th and then that changed<br/>8        on February the 14th, right?</p> <p>9        A. It did change on February the<br/>10      14th. February the 25th.</p> <p>11      Q. Isn't it true that you did tell<br/>12      Lawal that you would stay on through the 25th<br/>13      if security would assure you they would do a<br/>14      walk-through at least once a day?</p> <p>15      A. Yes. He asked me to stay, and I<br/>16      said "with security."</p> <p>17      Q. If they did a walk-through once a<br/>18      day?</p> <p>19      A. I didn't say that.</p> <p>20      Q. You did agree to stay through the<br/>21      25th if there was security?</p> <p>22      A. Right. And he told me that that<br/>23      wasn't up to him. It was up to Dr. Ritvo.</p> <p>24      Q. Until the fall out from the<br/>25      shredding incident, you had planned to stay</p>                                                |
| <p style="text-align: right;">Page 183</p> <p>1        A. Nobody really wanted to take<br/>2        action. They just let him keep going. In<br/>3        fact, it was a joke. He was being passed<br/>4        from one Dean to the other.</p> <p>5        Q. Do you know if anyone else<br/>6        resigned because of Mahaffy's behavior?</p> <p>7        A. I have no firsthand knowledge of<br/>8        that.</p> <p>9        Q. Have you heard of anyone resigning<br/>10      because of Mahaffy's behavior?</p> <p>11      A. Give me a minute. I'm going back<br/>12      over 20 years. Not that I recall.</p> <p>13      Q. Now, you resigned or retired on<br/>14      February the 9th, 2005, right?</p> <p>15      A. I turned that memo into Dr. Lawal<br/>16      then, yes.</p> <p>17      Q. Then you agreed to stay on until<br/>18      February 25, right?</p> <p>19      A. Right. In that agreement, I said<br/>20      with the stipulation that I get security.</p> <p>21      Q. You had planned to stay on until<br/>22      February 25, had you not, until the shredding<br/>23      incident came along?</p> <p>24      A. I had planned to stay another two<br/>25      or three years. I had committed to Dr.</p> | <p style="text-align: right;">Page 185</p> <p>1        through February 25th, had you not?</p> <p>2        A. Well, I had gone to him, and<br/>3        that's what I put in writing. When I asked<br/>4        him about security nothing was done.</p> <p>5        Q. I'm sorry. I didn't hear you.</p> <p>6        A. Nothing was done when I asked<br/>7        about getting security.</p> <p>8        Q. Is that why you left on the 14th?</p> <p>9        A. I left because it was an<br/>10      impossible situation to work.</p> <p>11      Q. You had a big fight with Lawal on<br/>12      the 14th, didn't you?</p> <p>13      A. I did not.</p> <p>14      MS. RODGERS: Object to form.</p> <p>15      THE WITNESS: No, sir, I did not.</p> <p>16      MR. DODD: Q. Would you have<br/>17      stayed through the 25th if the shredding<br/>18      incident had not occurred?</p> <p>19      MS. RODGERS: Object to form.</p> <p>20      THE WITNESS: Given the fact that<br/>21      he had given me the letter concerning Chris,<br/>22      I had planned to keep my two-year commitment<br/>23      not to just February the 25th.</p> <p>24      MR. DODD: Q. I understand that.<br/>25      I am asking you now about your retirement</p> |

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| <p style="text-align: right;">Page 186</p> <p>1 notice you handed in on February the 9th,<br/>2 right?<br/>3 A. Right.<br/>4 Q. After you did that you told him<br/>5 you would stay through the 25th if you had<br/>6 security?<br/>7 A. Right.<br/>8 Q. Right?<br/>9 A. Uh-huh.<br/>10 Q. But you didn't, did you?<br/>11 A. Because events changed and it<br/>12 wasn't just the shredding.<br/>13 Q. Didn't you make up your mind to<br/>14 leave on Monday February 14th?<br/>15 MS. RODGERS: Object to form.<br/>16 THE WITNESS: I was forced to<br/>17 leave on February the 14th.<br/>18 MR. DODD: Q. For whatever reason<br/>19 you decided to leave on February 14th, right?<br/>20 A. Yes. I left because I was forced<br/>21 to leave.<br/>22 Q. What happened on February 14th that<br/>23 forced you to leave?<br/>24 A. Dr. Lawal was indignant. He<br/>25 called me in his office and said that he had</p>                                                                                                                                                                                                                                                                                                 | <p style="text-align: right;">Page 188</p> <p>1 Q. Is it true that the confrontation<br/>2 you had with Lawal that morning, February<br/>3 14th, is what led you to leave AUM at 1:00<br/>4 o'clock that afternoon?<br/>5 MS. RODGERS: Object to form.<br/>6 THE WITNESS: As I stated earlier,<br/>7 there was no confrontation. He stated to me<br/>8 how he felt. I think I also told you<br/>9 earlier that he said he did not trust me. He<br/>10 didn't want me to do anything in the office.<br/>11 I was just to sit there really. Don't open<br/>12 anything. Don't do anything. And that was<br/>13 retaliatory because of my complaint I had<br/>14 filed.<br/>15 It was also retaliatory in nature<br/>16 to me because he wanted to file a complaint<br/>17 that summer, and he told me that now he<br/>18 would not be able to do it. The environment<br/>19 I was in, that just worsened the environment.<br/>20 I was sitting in a hostile environment.<br/>21 MR. DODD: Q. What you just<br/>22 described occurred that Monday morning, did it<br/>23 not?<br/>24 A. Yes. But it was not a<br/>25 confrontation. I didn't raise my voice. He</p>         |
| <p style="text-align: right;">Page 187</p> <p>1 been working out there on Saturday, and he<br/>2 saw the shredding bags where I normally put<br/>3 shredding bags. And that I had not gotten<br/>4 his permission to shred. And that he had<br/>5 called Ritvo at home that Saturday and asked<br/>6 him what he should do. He said that Ritvo<br/>7 told him to collect the shredding bags and<br/>8 bring them to his office. I don't know who<br/>9 took them over there. That's what he told<br/>10 me. But when I got ready to go out of Dr.<br/>11 Lawal's office, the shredding bags were<br/>12 stuffed up under the couch in his office. I<br/>13 said, "Is this some of the shredding? Do<br/>14 you want to look in it to make sure that<br/>15 it's what I told you it was?" It was the<br/>16 time -- they were old time sheets, pay<br/>17 schedules, you know, grade sheets and so<br/>18 forth. He said "no." And then again he<br/>19 asked me to leave his office and I did.<br/>20 Q. Then you sent him a note and said<br/>21 you are leaving at 1:00 o'clock that<br/>22 afternoon, right?<br/>23 A. Right. I did not sit down<br/>24 immediately and say, "I am leaving at 1:00<br/>25 o'clock."</p> | <p style="text-align: right;">Page 189</p> <p>1 didn't raise his voice.<br/>2 Q. We will call it a conversation.<br/>3 Okay?<br/>4 A. You can call it a conversation.<br/>5 Q. As a result of the conversation on<br/>6 Monday morning, you left at 1:00 o'clock that<br/>7 afternoon?<br/>8 A. As a result of that and my not<br/>9 getting security and my being subjected to an<br/>10 unsafe environment, I was forced to leave.<br/>11 Q. What security issues did you have<br/>12 that Monday morning?<br/>13 A. Actually, that Monday morning<br/>14 security showed up. Officer Cox came in my<br/>15 office and said he had been sent over to<br/>16 secure my area. He said, "Cynthia, if I had<br/>17 known it was you, I would have been here<br/>18 earlier." He told me that he was the one<br/>19 stationed outside of Ritvo's office and -- on<br/>20 the 31st when all of these meetings occurred,<br/>21 and that he witnessed that when Chris came<br/>22 out of the meeting that -- and these are his<br/>23 words, not mine. He looked like he was off<br/>24 of his meds. He said no one ever told him<br/>25 to come over and secure my area.</p> |

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|    |                                               |    |                                                |
|----|-----------------------------------------------|----|------------------------------------------------|
|    | Page 190                                      |    | Page 192                                       |
| 1  | <i>Q.</i> When you left work on Friday the    | 1  | <i>Monday afternoon?</i>                       |
| 2  | 11th of February --                           | 2  | <i>MS. RODGERS:</i> Object to form.            |
| 3  | <i>A.</i> Uh-huh.                             | 3  | <i>THE WITNESS:</i> Not having security        |
| 4  | <i>Q.</i> You didn't intend to leave work on  | 4  | was the key issue and what I had been          |
| 5  | Monday afternoon, did you?                    | 5  | subjected to.                                  |
| 6  | <i>A.</i> Leave work?                         | 6  | <i>MR. DODD:</i> <i>Q.</i> Had Lawal           |
| 7  | <i>Q.</i> Leave AUM.                          | 7  | previously ever tried to talk you out of       |
| 8  | <i>A.</i> I spoke to my attorney, and I was   | 8  | retiring?                                      |
| 9  | advised to leave an unsafe environment where  | 9  | <i>A.</i> No, sir. Because he knew I wasn't    |
| 10 | nothing was being done for me.                | 10 | going to retire.                               |
| 11 | <i>Q.</i> I understand that. I am asking      | 11 | <i>Q.</i> I'm sorry.                           |
| 12 | you when you went home from work on that      | 12 | <i>A.</i> He knew I wasn't planning to         |
| 13 | Friday, February 11th, you still intended to  | 13 | retire.                                        |
| 14 | work through February 25th, did you not?      | 14 | <i>Q.</i> How did he know that?                |
| 15 | <i>A.</i> If I arrived and conditions were    | 15 | <i>A.</i> Because several people in the        |
| 16 | conducive to my being able to work until the  | 16 | school asked me if I was going to retire and   |
| 17 | 25th.                                         | 17 | I said, "No." They asked me if Dr. Lawal       |
| 18 | <i>Q.</i> The condition you had specified was | 18 | was planning to leave. And this I understand   |
| 19 | security, wasn't it?                          | 19 | started, and I can't tell you who started it,  |
| 20 | <i>A.</i> That's right.                       | 20 | but I can tell you who they say started it.    |
| 21 | <i>Q.</i> Monday there was security, was      | 21 | Chris was going around on the third and        |
| 22 | there not?                                    | 22 | second floor saying that I was going to        |
| 23 | <i>A.</i> There was security.                 | 23 | retire, and Dr. Lawal was leaving taking       |
| 24 | <i>Q.</i> Okay. What changed between the      | 24 | another job. Dr. Lawal sent an e-mail to the   |
| 25 | time you went home on Friday afternoon and    | 25 | entire school saying Ms. Ellison has not       |
|    | Page 191                                      |    | Page 193                                       |
| 1  | the time you left Monday afternoon never to   | 1  | discussed any plans with me to retire, nor am  |
| 2  | return?                                       | 2  | I looking for another job. Yet, he decided     |
| 3  | <i>A.</i> Dr. Lawal told me essentially there | 3  | after I left to put in his letter that I had   |
| 4  | wasn't anything for me to do in the office    | 4  | said I was, but I did not tell him that        |
| 5  | any more.                                     | 5  | because he sent the e-mail saying we had not   |
| 6  | <i>Q.</i> It was the conversation that Monday | 6  | discussed it.                                  |
| 7  | morning, right?                               | 7  | <i>Q.</i> Did you ask the four work study      |
| 8  | <i>A.</i> It was a combination of everything. | 8  | students to prepare statements about what went |
| 9  | There is no other way I can tell you. I       | 9  | on February 14th?                              |
| 10 | mean, it was a combination of everything.     | 10 | <i>A.</i> I did.                               |
| 11 | <i>Q.</i> Why didn't that combination of      | 11 | <i>Q.</i> Why did you do that?                 |
| 12 | everything force you to leave on Friday and   | 12 | <i>A.</i> Because it was my pattern. I         |
| 13 | never return?                                 | 13 | think every situation I have written something |
| 14 | <i>MS. RODGERS:</i> Object to form.           | 14 | down. I have documented what happened. And     |
| 15 | <i>THE WITNESS:</i> Because Dr. Lawal,        | 15 | I knew, especially at that point,              |
| 16 | even in his being ugly to me, I was trying    | 16 | documentation was key.                         |
| 17 | to get some work done. I was working. I       | 17 | <i>Q.</i> Ms. Ellison, do you know any white   |
| 18 | mean, I wasn't working thinking I am going to | 18 | employees at AUM who were not fired after      |
| 19 | leave at 1:00 o'clock on Monday. I didn't     | 19 | complaining about discrimination?              |
| 20 | come in Monday morning saying, "I am going to | 20 | <i>A.</i> White employees who were not fired   |
| 21 | leave at 1:00 o'clock." It was a combination  | 21 | after complaining about discrimination. I      |
| 22 | of everything.                                | 22 | don't know that I would have privileges to     |
| 23 | <i>MR. DODD:</i> <i>Q.</i> Is it fair to say  | 23 | that kind of information. I don't know.        |
| 24 | that what Lawal said to you that Monday       | 24 | <i>Q.</i> Do you know of any white employees   |
| 25 | morning was the catalyst that made you leave  | 25 | who were fired after complaining about         |

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|    |                                              |    |                                                                                                                 |
|----|----------------------------------------------|----|-----------------------------------------------------------------------------------------------------------------|
|    | Page 194                                     |    | Page 196                                                                                                        |
| 1  | discrimination?                              | 1  | <i>Q. Let me show you a document that your lawyer gave to me and just ask you if you ever seen that before.</i> |
| 2  | A. I do not know.                            | 2  | A. No. May I read it? I haven't                                                                                 |
| 3  | (Short recess)                               | 3  | seen it before.                                                                                                 |
| 4  | MR. DODD: Q. Ms. Ellison, do                 | 4  | <i>Q. If you are curious, you can read</i>                                                                      |
| 5  | you know if Faye Ward has any unhappiness    | 5  | <i>it. Your lawyer has a copy. She can show</i>                                                                 |
| 6  | with Auburn University Montgomery?           | 6  | <i>it to you.</i>                                                                                               |
| 7  | A. I wouldn't know that.                     | 7  | A. What is it?                                                                                                  |
| 8  | Q. Have you talked to her about              | 8  | Q. It looks like some notes from Faye                                                                           |
| 9  | assisting you in this case?                  | 9  | Ward to my partner that somehow left AUM.                                                                       |
| 10 | A. I asked her if she would talk to          | 10 | A. Okay.                                                                                                        |
| 11 | my attorney.                                 | 11 | <i>(Three-page document, dated February</i>                                                                     |
| 12 | Q. And she did, right?                       | 12 | <i>25, 2004, e-mail from Cynthia Ellison to Joe</i>                                                             |
| 13 | A. As far as I know, yes.                    | 13 | <i>Hill, marked as Defendant's Exhibit-2)</i>                                                                   |
| 14 | Q. Have you seen the affidavit that          | 14 | MR. DODD: Q. Ms. Ellison, here                                                                                  |
| 15 | she gave?                                    | 15 | is Defendant's Exhibit 2. Take a look at                                                                        |
| 16 | A. No. I haven't seen her affidavit.         | 16 | that and see if you can identify it for me,                                                                     |
| 17 | Q. When did you apply for disability         | 17 | please.                                                                                                         |
| 18 | insurance or disability benefits?            | 18 | A. This is an e-mail I sent Joe Hill.                                                                           |
| 19 | A. I don't remember the exact date.          | 19 | Q. Do you recognize that?                                                                                       |
| 20 | But it was pretty much around the time when  | 20 | A. Yes.                                                                                                         |
| 21 | I tried to work for my rheumatologist and I  | 21 | Q. You see about halfway down the                                                                               |
| 22 | couldn't do it.                              | 22 | message on the first page you refer to the                                                                      |
| 23 | Q. Were those SSI disability benefits?       | 23 | anonymous letter?                                                                                               |
| 24 | Social Security Disability benefits?         | 24 |                                                                                                                 |
| 25 | A. Yes.                                      | 25 |                                                                                                                 |
|    | Page 195                                     |    | Page 197                                                                                                        |
| 1  | Q. What was the outcome of your              | 1  | A. I do.                                                                                                        |
| 2  | application?                                 | 2  | Q. Have you seen that letter to date?                                                                           |
| 3  | A. I have got to request for a               | 3  | A. I have not.                                                                                                  |
| 4  | hearing. I have got to send back information | 4  | Q. Who was one of the individuals you                                                                           |
| 5  | to request for a hearing date.               | 5  | speak to who apparently composed that letter?                                                                   |
| 6  | Q. Who is representing you in that           | 6  | A. I don't know who composed the                                                                                |
| 7  | case?                                        | 7  | letter.                                                                                                         |
| 8  | A. I don't have a representative.            | 8  | Q. Who in the letter are you                                                                                    |
| 9  | Q. You represent yourself?                   | 9  | referring to where you say, "the ladies heard                                                                   |
| 10 | A. Yes.                                      | 10 | about the incident and I spoke with one of                                                                      |
| 11 | Q. Have you been denied Social               | 11 | them, not knowing she had in mind doing what                                                                    |
| 12 | Security benefits and is this an appeal?     | 12 | she did."                                                                                                       |
| 13 | A. Right.                                    | 13 | A. Let me get to that point.                                                                                    |
| 14 | Q. Did you claim in your application         | 14 | Q. Okay.                                                                                                        |
| 15 | for disability benefits that you were unable | 15 | A. Where is it? Okay. Let me just                                                                               |
| 16 | to work?                                     | 16 | read it. These were the women in Upward                                                                         |
| 17 | A. As I recall, there were 100               | 17 | Bound.                                                                                                          |
| 18 | questions that asked you what you can and    | 18 | Q. Who did you speak to, though?                                                                                |
| 19 | cannot do and to what extent you can or      | 19 | A. I spoke to -- actually, I spoke to                                                                           |
| 20 | cannot do that.                              | 20 | all of three of them there together.                                                                            |
| 21 | Q. Do you have -- strike that.               | 21 | Q. What are their names?                                                                                        |
| 22 | Do you keep all of those records?            | 22 | A. It was Lucy. We called her Ms.                                                                               |
| 23 | A. I should have those records.              | 23 | Lucy. Lucy. Debra may know their names.                                                                         |
| 24 | Q. Donna Paul is your rheumatologist?        | 24 | Lucy. It was Alice Boggs. Alice Boggs, Abena                                                                    |
| 25 | A. Yes. Dr. Paul.                            | 25 | and Lucy. That's all I know.                                                                                    |

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|    | Page 198                                                                                                                                                                                                                                    |    | Page 200                                                                                                                                                                                              |
| 1  | <i>Q.</i> How did you learn that an anonymous letter existed and that it referred to you?                                                                                                                                                   | 1  | anything in writing to Debra Foster about the Allison Stevens incident?                                                                                                                               |
| 2  | <i>A.</i> How did I learn about what?                                                                                                                                                                                                       | 2  | <i>A.</i> Because Debra was known not to help anybody. When I went to her, her first                                                                                                                  |
| 3  | <i>Q.</i> That an anonymous letter existed and that the letter referred to you.                                                                                                                                                             | 3  | statement was, "I don't know what to do with this. It's going to be he said, she said."                                                                                                               |
| 4  | <i>A.</i> They were talking about it in the School of Sciences. They said it referred to the Dean's secretary in the School of Sciences.                                                                                                    | 4  | <i>Q.</i> That's what happened later. I am asking you now why you weren't willing to follow the procedures that were in place?                                                                        |
| 5  | <i>Q.</i> Who is "they?" These three women?                                                                                                                                                                                                 | 5  | <i>A.</i> I don't view that as not my being                                                                                                                                                           |
| 6  | <i>A.</i> Yes.                                                                                                                                                                                                                              | 6  | not willing to follow procedures. As I said earlier, I really felt like I was going to                                                                                                                |
| 7  | <i>Q.</i> Were they involved in the School of Sciences?                                                                                                                                                                                     | 7  | be retaliated against because of the situation                                                                                                                                                        |
| 8  | <i>A.</i> They were housed in the School of Sciences.                                                                                                                                                                                       | 8  | with Jessie Clayton.                                                                                                                                                                                  |
| 9  | <i>Q.</i> Read down about ten more lines from there. It says, "The HR director wasn't willing to speak with me at the time."                                                                                                                | 9  | <i>Q.</i> You expected Debra to retaliate against you?                                                                                                                                                |
| 10 | <i>A.</i> Right.                                                                                                                                                                                                                            | 10 | <i>A.</i> I had no idea what to expect because of what I had heard.                                                                                                                                   |
| 11 | <i>Q.</i> What are you referring to there?                                                                                                                                                                                                  | 11 | <i>Q.</i> Look over at the bottom of the                                                                                                                                                              |
| 12 | <i>A.</i> Debra.                                                                                                                                                                                                                            | 12 | next page, please. The last four lines.                                                                                                                                                               |
| 13 | <i>Q.</i> When was she not willing to speak with you?                                                                                                                                                                                       | 13 | You say, "I said earlier in an e-mail to you that I'm looking at retiring if I can find something else, but I don't want to leave with a cloud over my head." Do you see that?                        |
| 14 | <i>A.</i> Wait a minute. Let me come to                                                                                                                                                                                                     | 14 |                                                                                                                                                                                                       |
| 15 |                                                                                                                                                                                                                                             | 15 |                                                                                                                                                                                                       |
| 16 |                                                                                                                                                                                                                                             | 16 |                                                                                                                                                                                                       |
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| 25 |                                                                                                                                                                                                                                             | 25 |                                                                                                                                                                                                       |
|    | Page 199                                                                                                                                                                                                                                    |    | Page 201                                                                                                                                                                                              |
| 1  | where you were and read it.                                                                                                                                                                                                                 | 1  | <i>A.</i> I see it.                                                                                                                                                                                   |
| 2  | <i>Q.</i> Okay.                                                                                                                                                                                                                             | 2  | <i>Q.</i> Were you looking at retiring as of                                                                                                                                                          |
| 3  | <i>A.</i> I have to say it was referring to Debra. And I think I said at one time it was Debra. Then I changed it. So I guess it was Debra. Because this would have been more up to date than what I remember now, since it's been so long. | 3  | February 2004?                                                                                                                                                                                        |
| 4  | <i>Q.</i> Isn't it true that you called Debra Foster about a week before you sent this e-mail and asked her how to file a complaint about the Allison Stevens incident?                                                                     | 4  | <i>A.</i> We were always looking at                                                                                                                                                                   |
| 5  | <i>A.</i> Asked her how to file a complaint?                                                                                                                                                                                                | 5  | retirement. I told you that we had seminars                                                                                                                                                           |
| 6  | <i>Q.</i> Yes.                                                                                                                                                                                                                              | 6  | that we went to.                                                                                                                                                                                      |
| 7  | <i>A.</i> I may have called Debra. I don't remember.                                                                                                                                                                                        | 7  | <i>Q.</i> This doesn't talk about a seminar. It talks about you.                                                                                                                                      |
| 8  | <i>Q.</i> Isn't it true that you also told Debra that you did not want to put anything in writing?                                                                                                                                          | 8  | <i>A.</i> I know what it talks about. I am telling you now that discussion of retirement came up periodically, not just with me, but with everybody. Especially when they invoked the DROP situation. |
| 9  | <i>A.</i> I did. And that's when Guin insisted that she wanted me to.                                                                                                                                                                       | 9  | <i>Q.</i> In 2004, were you looking to find another job so you could retire?                                                                                                                          |
| 10 | <i>Q.</i> That happened later, didn't it?                                                                                                                                                                                                   | 10 | <i>A.</i> I was not looking for a job in                                                                                                                                                              |
| 11 | <i>A.</i> I wrote the memo to Guin, yes.                                                                                                                                                                                                    | 11 | 2004.                                                                                                                                                                                                 |
| 12 | When I informed Guin about the situation.                                                                                                                                                                                                   | 12 | <i>Q.</i> The statement you made there that --                                                                                                                                                        |
| 13 | <i>Q.</i> Why were you unwilling to put                                                                                                                                                                                                     | 13 | <i>A.</i> Let me read this.                                                                                                                                                                           |
| 14 |                                                                                                                                                                                                                                             | 14 | MR. DODD: Here is No. 3.                                                                                                                                                                              |
| 15 |                                                                                                                                                                                                                                             | 15 | (One-page letter, dated March 1,                                                                                                                                                                      |
| 16 |                                                                                                                                                                                                                                             | 16 | 2004, letter from Cynthia Ellison to Guin Nance, marked as Defendant's Exhibit-3)                                                                                                                     |
| 17 |                                                                                                                                                                                                                                             | 17 | MR. DODD: Q. Take a look at                                                                                                                                                                           |
| 18 |                                                                                                                                                                                                                                             | 18 |                                                                                                                                                                                                       |
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Cynthia Ellison

April 27, 2006

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| <p style="text-align: right;">Page 202</p> <p>1       that and see if you can identify it.<br/>     2       A. Okay.<br/>     3       Q. Can you identify that document?<br/>     4       A. I wrote it.<br/>     5       Q. It's your letter?<br/>     6       A. Yes.<br/>     7       Q. Look in the first paragraph, if<br/>     8       you would, at the last sentence. Which<br/>     9       reads, "Until now, however, none have involved<br/>     10      name calling, personal verbal attacks, and the<br/>     11      development of a potential hostile working<br/>     12      environment."<br/>     13      A. Uh-huh.<br/>     14      Q. Is this your statement that March<br/>     15      1, 2004, is the beginning of a hostile<br/>     16      working environment?<br/>     17      A. My reference until now is to the<br/>     18      incident when it occurred in December '03.<br/>     19      Q. December 3rd, 2003, is the<br/>     20      beginning of the hostile working environment<br/>     21      for you?<br/>     22      A. And the racial slur. That was the<br/>     23      first time that I had ever encountered<br/>     24      something like that.<br/>     25      Q. I understand that. What you wrote</p>                                               | <p style="text-align: right;">Page 204</p> <p>1       Q. The sentence preceding the last one<br/>     2       says, "Over the years, there have been<br/>     3       misunderstandings and personality conflicts<br/>     4       with each of these groups. Until now,<br/>     5       however, none have involved name calling,<br/>     6       personal verbal attacks, and the development<br/>     7       of a potential hostile working environment,"<br/>     8       right? Is that the truth?<br/>     9       MS. RODGERS: Object. Asked and<br/>     10      answered.<br/>     11      THE WITNESS: This recap events<br/>     12      that I was trying to relate to Dr. Nance<br/>     13      that occurred in December '03.<br/>     14      MR. DODD: Q. December '03 is<br/>     15      when the development of a potential hostile<br/>     16      working environment began, right?<br/>     17      MS. RODGERS: Object again.<br/>     18      THE WITNESS: I should have<br/>     19      probably put it in writing when it was<br/>     20      continued.<br/>     21      MR. DODD: Q. This letter is not<br/>     22      true then, right?<br/>     23      MS. RODGERS: Object to form.<br/>     24      THE WITNESS: Yes, it's true.<br/>     25      MR. DODD: You can't have it both</p>                                                |
| <p style="text-align: right;">Page 203</p> <p>1       here is the truth, right?<br/>     2       A. Yes.<br/>     3       Q. If you look at December the 3rd,<br/>     4       2003 letter, it's the beginning of what you<br/>     5       consider to be a hostile working environment?<br/>     6       A. In relation to this incident that<br/>     7       I was referring to.<br/>     8       Q. Well, the first paragraph refers to<br/>     9       your tenure at Auburn University Montgomery<br/>     10      for the last 20 years, doesn't it?<br/>     11      A. Right.<br/>     12      Q. December 3, 2003, is the beginning<br/>     13      of what you consider to be a hostile working<br/>     14      environment, right?<br/>     15      MS. RODGERS: Object to form.<br/>     16      THE WITNESS: No, sir. That's not<br/>     17      what my intent was.<br/>     18      MR. DODD: Q. What was your<br/>     19      intent?<br/>     20      A. My intent was to communicate to<br/>     21      Dr. Nance, as I said earlier, that I was not<br/>     22      the author of the anonymous letter. And that<br/>     23      it was me who the slur was directed at. And<br/>     24      that, like it says, I was subjected to a<br/>     25      hostile work environment.</p> | <p style="text-align: right;">Page 205</p> <p>1       ways.<br/>     2       THE WITNESS: It is true.<br/>     3       MS. RODGERS: Stop. On the<br/>     4       record, I would like the record to reflect<br/>     5       that it seems like opposing Counsel has<br/>     6       become argumentative and also attempting to be<br/>     7       intimidating to my client. If he wants to<br/>     8       ask her a question, which I will say was in<br/>     9       a unprofessional manner, he can do that. If<br/>     10      he cannot do that at this point, then we can<br/>     11      just close the deposition and let the judge<br/>     12      take it up on this matter on what we should<br/>     13      do in the midst of these depositions.<br/>     14      MR. DODD: It's cross-examination,<br/>     15      Counsel.<br/>     16      MS. RODGERS: Well, whatever you<br/>     17      call it. You call it whatever. Whatever<br/>     18      you may want to call it. You call it cross,<br/>     19      I call it intimidation.<br/>     20      MR. DODD: It's a search for the<br/>     21      truth.<br/>     22      MS. RODGERS: This search for your<br/>     23      truth. This is Ms. Ellison's case. You are<br/>     24      the lawyer. You have not been the victim.<br/>     25      MR. DODD: Search for the truth.</p> |

Cynthia Ellison

April 27, 2006

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|    | Page 206                                                                                                                                                                                                                                                                                                                            |    | Page 208                                                                                                                                                                                                   |
| 1  | MS. RODGERS: Search for your truth.                                                                                                                                                                                                                                                                                                 | 1  | A. It's a letter that I wrote to Dr. Nance.                                                                                                                                                                |
| 2  | MR. DODD: We are going to stay on it until I get it.                                                                                                                                                                                                                                                                                | 2  | Q. That's the letter you received from Dr. Nance?                                                                                                                                                          |
| 3  | MS. RODGERS: I am going to stay on it until I get it. No reaper shall prosper, and every tone that rises up in judgment shall be condemned. And for the record --                                                                                                                                                                   | 3  | A. Uh-huh.                                                                                                                                                                                                 |
| 4  | MR. DODD: Don't preach to me.                                                                                                                                                                                                                                                                                                       | 4  | Q. Is it in response to the letter that was marked as Defendant's No. 3?                                                                                                                                   |
| 5  | MS. RODGERS: I don't preach. I am not preaching to you. But I am putting it on the record so that it can be perfectly clear. That it can be perfectly clear that you are not going to intimidate me either.                                                                                                                         | 5  | A. The letter you had, yes.                                                                                                                                                                                |
| 6  | Now, I am trying to have my client here to answer your questions. You are taking it as a personal vendetta for a search for your truth. I have her here available to answer your questions according to what she has provided in her complaint. That's what we are trying to attempt to do. But you are trying to search for truth. | 6  | Q. Look at the last paragraph, would you, please. Chancellor Nance writes, "My understanding from Ms. Foster is that you have been reluctant to provide a written statement." Do you see her remark there? |
| 7  | MR. DODD: She is noticed to be here.                                                                                                                                                                                                                                                                                                | 7  | A. Yes.                                                                                                                                                                                                    |
| 8  |                                                                                                                                                                                                                                                                                                                                     | 8  | Q. Is that an accurate statement?                                                                                                                                                                          |
| 9  |                                                                                                                                                                                                                                                                                                                                     | 9  | A. Yes.                                                                                                                                                                                                    |
| 10 |                                                                                                                                                                                                                                                                                                                                     | 10 | Q. She goes on to say that she hopes you will share all relevant information on this issue with her, right?                                                                                                |
| 11 |                                                                                                                                                                                                                                                                                                                                     | 11 | A. That's correct.                                                                                                                                                                                         |
| 12 |                                                                                                                                                                                                                                                                                                                                     | 12 | Q. You did that after you received this letter, did you not?                                                                                                                                               |
| 13 |                                                                                                                                                                                                                                                                                                                                     | 13 | A. Right. This was after our meeting by sitting down in her office telling her that Debra starts fires and not puts them                                                                                   |
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|    | Page 207                                                                                                                                                                                                                                                                                                                            |    | Page 209                                                                                                                                                                                                   |
| 1  | MS. RODGERS: She may be noticed to be here. And by law, the only reason is because she has to be here, and because she has filed a complaint.                                                                                                                                                                                       | 1  | out.                                                                                                                                                                                                       |
| 2  | MR. DODD: That's true. That's her obligation of filing a lawsuit.                                                                                                                                                                                                                                                                   | 2  | (One-page letter, dated March 22, 2004, from Debra S. Foster to Ms. Cynthia Ellison and Allison Stevens, marked as Defendant's Exhibit-5)                                                                  |
| 3  | MS. RODGERS: It's our obligation to for having her here. You can ask questions. If you want to be put into an argument, let the games begin. And we can let the judge decide that.                                                                                                                                                  | 3  | MR. DODD: Q. Here is No. 5. See if you can identify that.                                                                                                                                                  |
| 4  | MR. DODD: Q. Mrs. Ellison, is the document that's been identified as Defendant's No. 3 truthful?                                                                                                                                                                                                                                    | 4  | A. Yes.                                                                                                                                                                                                    |
| 5  | MS. RODGERS: Object to form.                                                                                                                                                                                                                                                                                                        | 5  | Q. What is it?                                                                                                                                                                                             |
| 6  | THE WITNESS: Yes, sir. It is truthful.                                                                                                                                                                                                                                                                                              | 6  | A. A letter to me and Allison Stevens from Debra Foster.                                                                                                                                                   |
| 7  | MR. DODD: Thank you.                                                                                                                                                                                                                                                                                                                | 7  | Q. Did you receive this letter?                                                                                                                                                                            |
| 8  | (One-page letter, dated March 2, 2004, from Guin A. Nance to Ms. Cynthia Ellison, marked as Defendant's Exhibit-4)                                                                                                                                                                                                                  | 8  | A. I did.                                                                                                                                                                                                  |
| 9  | MR. DODD: Q. Ms. Ellison, here is No. 4. See if you can identify that.                                                                                                                                                                                                                                                              | 9  | Q. Now, you see where Debra Foster writes that she didn't find evidence to substantiate if the racial slur was used by Ms. Stevens, right?                                                                 |
| 10 | A. Yes.                                                                                                                                                                                                                                                                                                                             | 10 | A. Yes.                                                                                                                                                                                                    |
| 11 | Q. What is it?                                                                                                                                                                                                                                                                                                                      | 11 | Q. But she does go on to say that if Allison Stevens uses the word again she is going to be fired. Do you see that?                                                                                        |
| 12 |                                                                                                                                                                                                                                                                                                                                     | 12 | A. Yes.                                                                                                                                                                                                    |
| 13 |                                                                                                                                                                                                                                                                                                                                     | 13 | Q. She also said that if Ms. Stevens uses abusive and threatening language she is going to be fired. Do you see that in the                                                                                |
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Cynthia Ellison

April 27, 2006

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| <p style="text-align: right;">Page 210</p> <p>1       second numbered paragraph?</p> <p>2       A. Yes.</p> <p>3       Q. What was your reaction to what</p> <p>4       Debra Foster wrote with respect to</p> <p>5       expectations for Allison Stevens, if you had</p> <p>6       one?</p> <p>7       A. Well, I think it's written here in</p> <p>8       Number Two that she asked her not to use</p> <p>9       abusive and threatening language any more.</p> <p>10      And if she called me a nigger again she</p> <p>11      would be terminated.</p> <p>12      Q. Were you satisfied with this</p> <p>13      result?</p> <p>14      A. I was satisfied to the point that</p> <p>15      I knew nothing else would be done. The next</p> <p>16      day I received her e-mail inviting me to</p> <p>17      apply for a job at Hyundai, or the day</p> <p>18      after.</p> <p>19      Q. Do you have that e-mail, by the</p> <p>20      way?</p> <p>21      A. I believe I gave it to my</p> <p>22      attorney.</p> <p>23      Q. Now, you've stated in other --</p> <p>24      strike that, please.</p> <p>25      Your desire was not to get Allison</p>                                                          | <p style="text-align: right;">Page 212</p> <p>1       Nance, marked as Defendant's Exhibit-6)</p> <p>2       MR. DODD: Q. Here is No. 6.</p> <p>3       Take a look at that, please, and tell me</p> <p>4       what it is.</p> <p>5       A. This is what I wrote to Dr. Nance.</p> <p>6       Q. Did you write to -- strike that.</p> <p>7       What prompted you to write this</p> <p>8       letter to Dr. Nance?</p> <p>9       A. I didn't believe that I had been</p> <p>10      given due process in the investigation part</p> <p>11      of my complaint.</p> <p>12      Q. Explain to me what you mean by</p> <p>13      that, please?</p> <p>14      A. First of all, when I gave Debra my</p> <p>15      initial statement and she sent it to me, I</p> <p>16      had to pretty much redo it because she didn't</p> <p>17      recap what I had told her. She didn't want</p> <p>18      to do an investigation, and that's when I</p> <p>19      went to Dr. Nance and told Dr. Nance that I</p> <p>20      was reluctant. And then Dr. Nance instructed</p> <p>21      her to go ahead and talk to the people.</p> <p>22      That is what I was writing in here. That's</p> <p>23      the reason that I felt the EEO person and</p> <p>24      the EEO personnel and the HR Director should</p> <p>25      be separate. It says it in this memo.</p> |
| <p style="text-align: right;">Page 211</p> <p>1       Stevens fired over the incident you had with</p> <p>2       her, was it?</p> <p>3       A. No.</p> <p>4       Q. Do you know of anything that Debra</p> <p>5       Foster could have done short -- strike that,</p> <p>6       please.</p> <p>7       In your opinion, what could Debra</p> <p>8       Foster have done short of firing Allison</p> <p>9       Stevens that the warnings in Defendant's No.</p> <p>10      5 do?</p> <p>11      A. Well, it took her two times to do</p> <p>12      the investigation.</p> <p>13      Q. I understand that it took some</p> <p>14      time. In terms of the conclusion that she</p> <p>15      reached?</p> <p>16      A. I don't know. I may have written</p> <p>17      a memo to her about this. I'm not sure.</p> <p>18      Q. In your mind, short of firing Ms.</p> <p>19      Stevens, is there anything she could have</p> <p>20      done other than say, if you do it, you will</p> <p>21      be fired?</p> <p>22      A. She is an EEO and HR person.</p> <p>23      That would have been her call.</p> <p>24      (Five-page document, dated March</p> <p>25      31, 2004, from Cynthia Ellison to Dr. Guin</p> | <p style="text-align: right;">Page 213</p> <p>1       Q. You said that Debra Foster didn't</p> <p>2       want to do an investigation, right?</p> <p>3       A. She had never had this before she</p> <p>4       said, he said, she said.</p> <p>5       Q. Is that the same as saying she</p> <p>6       didn't want to do it?</p> <p>7       A. When she didn't, that told me she</p> <p>8       didn't want to do it. I had to go back to</p> <p>9       Dr. Nance to ask her to go ahead and do it.</p> <p>10      Q. Isn't it true that actually Dr.</p> <p>11      Nance instructed to you give a written</p> <p>12      statement because you had refused to it?</p> <p>13      MS. RODGERS: Object to form.</p> <p>14      THE WITNESS: She instructed me to</p> <p>15      talk to Debra Foster.</p> <p>16      MR. DODD: Q. Did she say put</p> <p>17      it in writing?</p> <p>18      Guin Nance writes on Defendant's</p> <p>19      Exhibit 7 that Ms. Ellison is reluctant to</p> <p>20      provide a written statement and share all</p> <p>21      relevant issues.</p> <p>22      A. I went over to Debra and shared</p> <p>23      with her, and Debra typed up the statement</p> <p>24      while I was there.</p> <p>25      Q. Isn't it true that you had refused</p>                                                                           |

Cynthia Ellison

April 27, 2006

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| <p style="text-align: right;">Page 214</p> <p>1      to give a written statement, and it took Guin<br/>2      Nance to convince you to do it?</p> <p>3      MS. RODGERS: Object to form.</p> <p>4      THE WITNESS: Because I knew<br/>5      nothing would be done. It took Guin Nance<br/>6      to do it.</p> <p>7      MR. DODD: Q. It took Guin Nance<br/>8      to get you to give a written statement,<br/>9      right?</p> <p>10     MS. RODGERS: Object to form.</p> <p>11     THE WITNESS: It took Guin Nance<br/>12     to get me to go see Debra, that's correct,<br/>13     and file my complaint.</p> <p>14     (One-page letter, dated April 5,<br/>15     2004, from Guin A. Nance to Ms. Cynthia<br/>16     Ellison, marked as Defendant's Exhibit-7)</p> <p>17     MR. DODD: Q. Ms. Ellison, here<br/>18     is No. 7. See if you can identify that.</p> <p>19     A. Yes, I wrote it.</p> <p>20     Q. What is it?</p> <p>21     A. It's a letter from Dr. Nance<br/>22     saying that she received the previous exhibit<br/>23     you showed me.</p> <p>24     Q. In your estimation, is she<br/>25     addressing the primary issues you raised in</p>       | <p style="text-align: right;">Page 216</p> <p>1      (One-page memorandum, dated December<br/>2      2, 2004, from Debra S. Foster to Cynthia<br/>3      Ellison, marked as Defendant's Exhibit-9)</p> <p>4      MR. DODD: Q. Here is No. 9.<br/>5      See if you recognize that, please.</p> <p>6      A. Yes. This is a letter Debra sent<br/>7      me after she met with me and Dr. Lawal.</p> <p>8      Q. Does it accurately reflect what you<br/>9      and she discussed and agreed to?</p> <p>10     A. It reflected what was discussed and<br/>11     agreed to without my knowing what the<br/>12     complaint was.</p> <p>13     Q. But being mindful of your feelings<br/>14     when conversing with her, and her agreeing to<br/>15     treat you with respect and dignity, are just<br/>16     common decency, wouldn't you say?</p> <p>17     MS. RODGERS: Object to form.</p> <p>18     THE WITNESS: It's common decency,<br/>19     but she and Dr. Lawal assured me that the<br/>20     complaint was frivolous and not to worry<br/>21     about it. They said this is what they were<br/>22     going to do. I didn't worry about it. This<br/>23     is what I received after I complained that I<br/>24     didn't get a letter. And Barbara got a<br/>25     letter. This letter came after this letter.</p> |
| <p style="text-align: right;">Page 215</p> <p>1      your letter?</p> <p>2      A. She is addressing the issue and<br/>3      directing Debra to interview Nikki Gibson.</p> <p>4      Q. That was one of your concerns, was<br/>5      it not?</p> <p>6      A. (Witness nods head)</p> <p>7      Q. Has Guin Nance ever been<br/>8      unresponsive to any of your concerns?</p> <p>9      A. No.</p> <p>10     (One-page letter, dated April 29,<br/>11     2004, from Debra S. Foster to Cynthia<br/>12     Ellison, marked as Defendant's Exhibit-8)</p> <p>13     MR. DODD: Q. Here is No. 8.<br/>14     Let me know if you can identify that.</p> <p>15     A. Yes. This is a letter to me from<br/>16     Debra after, I guess, she did the additional<br/>17     investigation with the witness.</p> <p>18     Q. At this point, April 29, 2004,<br/>19     were you satisfied that all potential<br/>20     witnesses had been interviewed in connection<br/>21     with the Allison Stevens incident?</p> <p>22     A. All witnesses, yes.</p> <p>23     Q. Did that satisfy one of your major<br/>24     concerns about the investigation?</p> <p>25     A. It did.</p> | <p style="text-align: right;">Page 217</p> <p>1      MR. DODD: Q. Do you think that<br/>2      Barbara Ware got a copy of this letter to<br/>3      you, No. 9?</p> <p>4      A. I have no idea.</p> <p>5      Q. Do you suspect that she did?</p> <p>6      MS. RODGERS: Object to form.</p> <p>7      THE WITNESS: I just know that she<br/>8      and Dr. Lawal got a letter and I didn't, and<br/>9      I asked for one.</p> <p>10     MR. DODD: This is No. 10.</p> <p>11     (One-page memorandum, dated December<br/>12     7, 2004, from Cynthia Ellison to Dr. Bayo<br/>13     Lawal, marked as Defendant's Exhibit-10)</p> <p>14     MR. DODD: Q. Can you tell me<br/>15     what that is?</p> <p>16     A. This is -- yes. This is a letter<br/>17     I wrote to Dr. Lawal, and I would have<br/>18     copied it to Debra Foster concerning the<br/>19     Barbara Ware incident.</p> <p>20     Q. Is your primary concern the fact<br/>21     that you didn't get a copy of what Barbara<br/>22     received?</p> <p>23     A. Well, that and the fact that I say<br/>24     in here that I was surprised that any<br/>25     correspondence was written since, as I stated</p>                                                                                                                                          |

Cynthia Ellison

April 27, 2006

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| <p style="text-align: right;">Page 218</p> <p>1       to you earlier, they told me that nothing<br/>2       would be done. Essentially that was the end<br/>3       of it.</p> <p>4       Q. Was that your preferred course of<br/>5       action that no conclusion or confirmation be<br/>6       sent?</p> <p>7       MS. RODGERS: Object to form. You<br/>8       can answer.</p> <p>9       THE WITNESS: I can just tell you<br/>10      that I was called into a meeting with Barbara<br/>11      and Lawal. They told me Barbara filed a<br/>12      complaint. They felt like it was embellished<br/>13      by Chris and not to worry about it.</p> <p>14       MR. DODD: Q. Now, did receiving<br/>15      Defendant's Exhibit No. 9 make you worry<br/>16      about it?</p> <p>17       A. Make me worry about it?</p> <p>18       Q. Yes.</p> <p>19       A. Worry what what?</p> <p>20       Q. The Ware complaint.</p> <p>21       A. Worry that I didn't get to see the<br/>22      complaint or worry in what respect?</p> <p>23       Q. In any respect about the resolution<br/>24      of the complaint she filed?</p> <p>25       A. I thought the resolution ended in</p> | <p style="text-align: right;">Page 220</p> <p>1       Q. And the funeral was January 29th?<br/>2       A. No. Was it the 29th? I was<br/>3       back at work on the 31st. He died on the<br/>4       21st or 22nd. It would have been -- it was<br/>5       towards the end of January.</p> <p>6       Q. When had your mother died?<br/>7       A. She died four months earlier.</p> <p>8       Q. What did Dr. Lawal do on that<br/>9       occasion?</p> <p>10       A. Dr. Lawal came to my home with<br/>11      Ruby Jenkins, and Ruby handed me an envelope<br/>12      that had some money if it. I'm not certain,<br/>13      but I think she said it was from Dr. Lawal<br/>14      or the people in School of Sciences.</p> <p>15       Q. Did he also send flowers?<br/>16       A. He did.</p> <p>17       Q. How much money was in the<br/>18      envelope?</p> <p>19       A. I really don't recall.</p> <p>20       Q. Now, you also lost a sibling, did<br/>21      you not?</p> <p>22       A. My sister died six days before my<br/>23      mother.</p> <p>24       Q. What did Dr. Lawal do then?<br/>25       A. Okay. I have got to remember.</p>                                                                                                                                                 |
| <p style="text-align: right;">Page 219</p> <p>1       the conference room when we finished the<br/>2       meeting.</p> <p>3       Q. Is what's contained in Defendant's<br/>4       No. 9 any different than what was discussed<br/>5       in the conference room in terms of<br/>6       resolution?</p> <p>7       MS. RODGERS: Object to form.</p> <p>8       THE WITNESS: No.</p> <p>9       MR. DODD: Q. Do you know if<br/>10      Dr. Lawal sought assistance or suggested from<br/>11      the School of Sciences faculty about what the<br/>12      school can do on account of the death of<br/>13      your father?</p> <p>14       MS. RODGERS: Object to form.</p> <p>15       THE WITNESS: I wasn't there, so I<br/>16      wouldn't know.</p> <p>17       MR. DODD: Q. Has anyone told<br/>18      you that he sought school-wide suggestions<br/>19      about what could be done?</p> <p>20       A. Nobody told me that.</p> <p>21       Q. Do you know what he did?</p> <p>22       A. When my father died?</p> <p>23       Q. Yes.</p> <p>24       A. He sent a flower arrangement. I<br/>25      believe he sent a flower arrangement.</p>                               | <p style="text-align: right;">Page 221</p> <p>1       Because there were two funerals. One in<br/>2       Indiana and one in Alabama. If I'm not<br/>3       mistaken, I think they either took up money<br/>4       and sent flowers or they did both.</p> <p>5       (One-page letter, dated February 4,<br/>6       2005, from Debra S. Foster to Ms. Cynthia<br/>7       Ellison, marked as Defendant's Exhibit-11)</p> <p>8       MR. DODD: Q. Ms. Ellison, here<br/>9       is No. 11. If you can identify that,<br/>10      please.</p> <p>11       A. Yes. This is a letter Debra sent<br/>12      me regarding Chris' investigation.</p> <p>13       Q. What was your reaction when you<br/>14      received that?</p> <p>15       A. I felt like again the investigation<br/>16      was geared more towards resolving the<br/>17      situation for the person who had inflicted<br/>18      harm and ill upon me.</p> <p>19       Q. What led you to that conclusion?</p> <p>20       A. Because Dr. Lawal had shared the<br/>21      summary letter that was sent to Chris and<br/>22      Chris was given the opportunity to have a<br/>23      month to decide what he wanted to do and<br/>24      then until the end of the summer to do it.<br/>25      I had asked for a summary of my proceedings</p> |

Cynthia Ellison

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| <p style="text-align: right;">Page 222</p> <p>1       of the meeting that I had with Lawal, Ritvo<br/>2       and Faye and was denied.<br/>3       And again, the security issue.<br/>4       She says nothing in here about providing<br/>5       security.<br/>6       Q. Take a look at No. 1 again, if<br/>7       you would, please, at your Exhibit B.<br/>8       A. Yes.<br/>9       Q. Is this the summary he said you<br/>10      should have received?<br/>11      A. No. I asked for a summary of the<br/>12      meeting that took place with me, Faye, Ritvo<br/>13      and Lawal. Because in that meeting Ritvo<br/>14      stated that he would not give me security.<br/>15      That I was to call them if Chris arrived in<br/>16      that meeting. Bayo Lawal stated that he<br/>17      would file civil litigation if nothing was<br/>18      done to Chris in that meeting. That's the<br/>19      summary I wanted. I wanted a summary.<br/>20      Q. Please finish.<br/>21      A. I wanted a summary of what was<br/>22      being said because I wasn't being provided<br/>23      security and I wanted him to write that for<br/>24      me, and he said he would not.<br/>25      Q. Does such a summary exist anywhere?</p> | <p style="text-align: right;">Page 224</p> <p>1       A. Yes. This has nothing to do with<br/>2       what I wanted from them.<br/>3       Q. It's completely different, isn't<br/>4       it?<br/>5       A. I told them what I wanted was a<br/>6       summary of my meeting.<br/>7       Q. They simply refused to do it,<br/>8       right?<br/>9       A. Absolutely.<br/>10      Q. Did they give a summary to anybody<br/>11      else?<br/>12      MS. RODGERS: Object to form.<br/>13      THE WITNESS: They were only<br/>14      concerned with me and Chris. So as far as<br/>15      I'm concerned, the summaries would go to<br/>16      Chris and to me because I filed the<br/>17      complaint.<br/>18      MR. DODD: Q. Neither Chris nor<br/>19      you got a summary?<br/>20      MS. RODGERS: Object to form.<br/>21      THE WITNESS: Chris got this<br/>22      summary. I did not get one.<br/>23      MR. DODD: Q. This is a summary<br/>24      where he loses his Department Chair, right?<br/>25      A. Yes.</p>                                                                                   |
| <p style="text-align: right;">Page 223</p> <p>1       A. I have no idea. I didn't get a<br/>2       copy if it does exist. I asked for a copy.<br/>3       Q. Do you know if anybody got a copy<br/>4       of any such summary?<br/>5       A. Chris received a summary of his<br/>6       meeting.<br/>7       Q. Is that what you are referring to?<br/>8       A. Exhibit B.<br/>9       Q. That's your Exhibit B.<br/>10      A. Well, B, Chris received a summary<br/>11      of what happened in their meeting. I was<br/>12      simply asking for a summary of what happened<br/>13      in my meeting.<br/>14      Q. Nobody took any adverse action<br/>15      against you in that meeting, did they?<br/>16      MS. RODGERS: Object to form.<br/>17      THE WITNESS: I wanted on record<br/>18      that I was refused security. I wanted on<br/>19      record that Bayo threatened to file civil<br/>20      litigation.<br/>21      MR. DODD: Q. Look at Exhibit B<br/>22      to Defendant's Exhibit 1 there.<br/>23      A. Okay.<br/>24      Q. That's where sanctions are imposed<br/>25      against Chris Mahaffy by AUM, correct?</p>                                                                                                | <p style="text-align: right;">Page 225</p> <p>1       Q. And he loses three months of an<br/>2       annual 12-month contract?<br/>3       A. Right.<br/>4       Q. Diversity training, right?<br/>5       A. I don't know if he went. That's<br/>6       what this says.<br/>7       Q. There are seven provisions,<br/>8       punitive provisions in this summary, correct?<br/>9       MS. RODGERS: Object to form.<br/>10      THE WITNESS: I'm not talking<br/>11      about the content for the summary. I wasn't<br/>12      concerned with Chris' summary. I was concerned<br/>13      with my summary.<br/>14      MR. DODD: Q. Did anybody get a<br/>15      summary of the kind that you wanted?<br/>16      MS. RODGERS: Object to form.<br/>17      THE WITNESS: Chris Mahaffy.<br/>18      MR. DODD: Q. You are referring<br/>19      to Exhibit 1?<br/>20      A. I am referring to a written<br/>21      statement of what happened in a document.<br/>22      Q. You just wanted a document, is<br/>23      that right?<br/>24      MS. RODGERS: Object to form.<br/>25      THE WITNESS: I wanted a summary</p> |

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|    | Page 226                                      |    | Page 228                                      |
| 1  | document of my meeting.                       | 1  | to me because, if I'm not mistaken, things    |
| 2  | MR. DODD: Q. You didn't want to               | 2  | crossed in the mail. My information that I    |
| 3  | be punished, did you?                         | 3  | had seen an attorney or Bayo had told them    |
| 4  | MS. RODGERS: Object to form.                  | 4  | something and Ritvo wrote this letter saying  |
| 5  | THE WITNESS: Punished for what?               | 5  | that Campus Police goes through Goodwyn Hall  |
| 6  | MR. DODD: Exactly.                            | 6  | three times a day, or something like that.    |
| 7  | MS. RODGERS: Object to form. You              | 7  | If that's in this one, I know that they       |
| 8  | don't have to answer that.                    | 8  | don't. They come when we call them for a      |
| 9  | MR. DODD: Q. Chris Mahaffy is                 | 9  | situation. I felt like this was another       |
| 10 | being punished, isn't he?                     | 10 | attempt to appease me.                        |
| 11 | MS. RODGERS: Object to form.                  | 11 | Q. That was written in your response          |
| 12 | THE WITNESS: By the University                | 12 | to your February 11th letter, wasn't it?      |
| 13 | because of his behavior.                      | 13 | A. It was.                                    |
| 14 | MR. DODD: That is correct.                    | 14 | Q. Were you not interested in having          |
| 15 | Q. That is the behavior that you              | 15 | an escort to your vehicle?                    |
| 16 | complained about?                             | 16 | MS. RODGERS: Object to form.                  |
| 17 | A. Partially.                                 | 17 | THE WITNESS: I was interested in              |
| 18 | (Two-page letter, dated February 9,           | 18 | an escort to my vehicle. Let me read this.    |
| 19 | 2005, Roger A. Ritvo, Ph.D. to Ms. Cynthia    | 19 | Can I just make my points as I go down        |
| 20 | Ellison, marked as Defendant's Exhibit-12)    | 20 | through this letter?                          |
| 21 | MR. DODD: Ms. Ellison, here is                | 21 | MR. DODD: Q. Sure.                            |
| 22 | No. 12. See if you can identify that,         | 22 | A. I still believed that Chris Mahaffy        |
| 23 | please.                                       | 23 | posed a physical threat.                      |
| 24 | A. Yes.                                       | 24 | Q. Do you recognize the possibility of        |
| 25 | Q. What is it?                                | 25 | a disagreement on that issue?                 |
|    | Page 227                                      |    | Page 229                                      |
| 1  | A. It's a letter to me from Dr. Roger         | 1  | A. Certainly there is a possibility of        |
| 2  | Ritvo.                                        | 2  | disagreement on any issue. While it may be    |
| 3  | Q. Do you recall receiving this?              | 3  | my word against the University's word, or     |
| 4  | A. Yes, I do.                                 | 4  | Debra Foster, it is not customary to have a   |
| 5  | Q. What was your reaction to it?              | 5  | Campus Police Officer stand outside a door    |
| 6  | A. I thought that, again, I was the           | 6  | when you are having a meeting when they are   |
| 7  | person that was being mistreated. In my       | 7  | having Disciplinary Committee Meetings with   |
| 8  | letter -- and I go back to the same thing.    | 8  | students who might act out. When you are      |
| 9  | I asked for a summary. In this letter he      | 9  | just asking about a regular meeting, that's   |
| 10 | says, I believe that -- let me look here for  | 10 | not customary.                                |
| 11 | just a minute. It recaps some of the issues   | 11 | Q. Are you saying that Mahaffy was            |
| 12 | I had raised in my letter about no security,  | 12 | not a physical threat?                        |
| 13 | my being sent off Campus because they knew    | 13 | MS. RODGERS: Object to form.                  |
| 14 | Chris was going to be upset after they talked | 14 | THE WITNESS: I am saying he is                |
| 15 | with him. Well, do you want me to read the    | 15 | -- I am saying because they put Campus Police |
| 16 | letter?                                       | 16 | outside of Ritvo's office for a supposed get  |
| 17 | Q. You don't need to read it. I am            | 17 | together meeting to talk to Chris, it was     |
| 18 | asking what your reaction was.                | 18 | not customary. They wanted to make me         |
| 19 | A. Well, my reaction was that I was           | 19 | believe that every meeting they had it was    |
| 20 | still subjected to retaliation and an unsafe  | 20 | customary for the Campus Police to be outside |
| 21 | environment.                                  | 21 | the offices and that was not the case.        |
| 22 | Q. You considered this letter to be           | 22 | MR. DODD: Q. Let me ask you                   |
| 23 | retaliatory?                                  | 23 | what the source of your knowledge is?         |
| 24 | A. Not this -- well, let me see.              | 24 | A. I have been there for 20 years.            |
| 25 | This letter, I believe and I felt, was sent   | 25 | I have talked to different people. I know     |

Cynthia Ellison

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| <p style="text-align: right;">Page 230</p> <p>1       that. Like I said, Officer Cox told me that<br/>2       he was the one that asked to be stationed<br/>3       outside that door that day.</p> <p>4       Q. How long has Ritvo been in that<br/>5       position?</p> <p>6       A. I couldn't tell you the exact<br/>7       number of years.</p> <p>8       Q. Do you know how many disciplinary<br/>9       meetings he has had an officer outside?</p> <p>10      MS. RODGERS: Object to form.</p> <p>11      THE WITNESS: Usually, the<br/>12       disciplinary meetings are in Chancellor's<br/>13       Office. If they changed that, then they<br/>14       changed it.</p> <p>15      MR. DODD: Q. Wherever the<br/>16       location.</p> <p>17      A. I have no idea about it, but we<br/>18       are not talking about Ritvo's area. We were<br/>19       talking about security from my area. He was<br/>20       saying that Campus Police patrolled Goodwyn<br/>21       Hall three times, and they did not.</p> <p>22      Q. You have knowledge of that as<br/>23       well?</p> <p>24      A. Well, I was at work over those<br/>25       years.</p>                                              | <p style="text-align: right;">Page 232</p> <p>1       A. Should I have?</p> <p>2       Q. You said you were going to go down<br/>3       through. I am just wondering if you had<br/>4       finished or not.</p> <p>5       A. I think my earlier comments cover<br/>6       it.</p> <p>7       Q. I'm sorry.</p> <p>8       A. I think my earlier comments covers<br/>9       it.</p> <p>10      (One-page letter, dated February 9,<br/>11       2005, from Bayo H. Lawal, Ph.D. to Ms.<br/>12       Cynthia Ellison, marked as Defendant's Exhibit-<br/>13)</p> <p>14      MR. DODD: This is Exhibit 13.</p> <p>15      Q. Ms. Ellison, look at Exhibit D to<br/>16       your affidavit, please.</p> <p>17      A. Yes, sir.</p> <p>18      Q. You say, "I am no longer willing<br/>19       to subject myself to an environment that is<br/>20       potentially unsafe to me and others around<br/>21       me."</p> <p>22      A. Yes.</p> <p>23      Q. Who are the "others" you are<br/>24       referring?</p> <p>25      A. My student workers and other people</p>                                                                                                                   |
| <p style="text-align: right;">Page 231</p> <p>1       Q. You were on the 3rd floor, right?</p> <p>2       A. Right. They were patrolling.</p> <p>3       Q. You weren't on the second floor,<br/>4       were you?</p> <p>5       A. No.</p> <p>6       MS. RODGERS: Object to form.</p> <p>7       THE WITNESS: No.</p> <p>8       MR. DODD: Q. You weren't on the<br/>9       first floor?</p> <p>10      A. I was on the third floor. I<br/>11       might add this was also the time that Debra<br/>12       handed me -- during this period Debra had<br/>13       handed me a letter saying talk to Ritvo.</p> <p>14      Q. Okay. Had you made any demands at<br/>15       that point?</p> <p>16      MS. RODGERS: Object to form.</p> <p>17      THE WITNESS: As I said, at the<br/>18       same time that Debra said that the attorneys<br/>19       wanted to know what I wanted, and I told her<br/>20       at the time that I wanted mental anguish and<br/>21       \$250,000. That's when she got up and left.<br/>22       She came back and said, "I don't have<br/>23       anything else to say to you."</p> <p>24      MR. DODD: Q. Do you have any<br/>25       further comments about this letter?</p> | <p style="text-align: right;">Page 233</p> <p>1       who came in and out of the Dean's office.</p> <p>2       Q. To your knowledge, had any of them<br/>3       been threatened by Mahaffy?</p> <p>4       A. I really think they had.</p> <p>5       Q. Do you know that for a fact?</p> <p>6       A. I think a couple of them said<br/>7       something a couple of times. I don't<br/>8       remember exactly what they said.</p> <p>9       Q. You said, "I would also like to<br/>10       discuss my plans concerning leave." What is<br/>11       that referring to?</p> <p>12      A. Yes. I put my retirement date<br/>13       April 1st, 2005.</p> <p>14      Q. Right.</p> <p>15      A. Because I looked in the system and<br/>16       I had enough vacation leave to take it to<br/>17       April 1st.</p> <p>18      Q. You just get a paycheck until<br/>19       April 1st?</p> <p>20      A. Uh-huh.</p> <p>21      MR. DODD: Q. Here is No. 13.</p> <p>22      A. I received this from Dr. Lawal.</p> <p>23      Q. You see in the first paragraph he<br/>24       writes, "I know you have discussed your<br/>25       intention to retire from AUM with me several</p> |

Cynthia Ellison

April 27, 2006

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| <p style="text-align: right;">Page 234</p> <p>1 times within the last five months, but each<br/>2 time, I have tried to talk you out of it."</p> <p>3 A. Yes, I do.</p> <p>4 Q. I assume from your previous<br/>5 testimony you feel that is not an accurate<br/>6 statement?</p> <p>7 A. It is not an accurate statement.</p> <p>8 Q. Ms. Ellison, did you plan to give<br/>9 Lawal -- strike that, please.</p> <p>10 When did you decide that you were<br/>11 going to retire effective April 1st?</p> <p>12 A. Well, I mean, like I told you<br/>13 earlier, it was a combination of everything<br/>14 that was going on.</p> <p>15 Q. When?</p> <p>16 A. When?</p> <p>17 Q. When.</p> <p>18 A. I think my letter is in here.</p> <p>19 Q. The notice is dated February 9th.<br/>20 My question is, when did you decide to give<br/>21 him that notice on February 9th?</p> <p>22 A. When he received the correspondence<br/>23 from Julian McPhillips and he was beating on<br/>24 his chest. He said that I had done this to<br/>25 him. That I had destroyed his plans for</p>                                           | <p style="text-align: right;">Page 236</p> <p>1 Q. When did you get that advice?<br/>2 MS. RODGERS: Object to form.<br/>3 MR. DODD: Q. The first meeting<br/>4 you had with him?</p> <p>5 A. I think it was -- well, I tell<br/>6 you it was -- it wasn't the first meeting<br/>7 because the first meeting is when I explained<br/>8 to him what was happening to me. It had to<br/>9 be the second meeting.</p> <p>10 Q. Which was the day after you<br/>11 resigned, right?</p> <p>12 MS. RODGERS: Object to form.<br/>13 THE WITNESS: I have no idea.<br/>14 MR. DODD: Q. Would it be<br/>15 accurate to say that you had decided to<br/>16 retire, made up your mind to retire sometime<br/>17 prior to February 9th when you returned and<br/>18 gave Bayo Lawal the notice?</p> <p>19 MS. RODGERS: Object to form.<br/>20 THE WITNESS: It's fair to say<br/>21 that after I sought Counsel and I sought<br/>22 their advice, that's when I decided to<br/>23 retire.</p> <p>24 MR. DODD: Q. Was that before<br/>25 February 9th?</p> |
| <p style="text-align: right;">Page 235</p> <p>1 filing a suit in the summer. And I should<br/>2 wait. He started to change and retaliated<br/>3 against me. It was everything that was going<br/>4 on.</p> <p>5 Q. If I were to tell you, or suggest<br/>6 to you that he did not receive any<br/>7 correspondence from Julian McPhillips until<br/>8 after February the 10th, would that make you<br/>9 want to rethink that answer?</p> <p>10 A. Well, I have said to you that my<br/>11 dates were not exact. I'm not sure.</p> <p>12 Q. I am trying to straighten it out<br/>13 now, is what I am trying --</p> <p>14 A. Well, could you show me the<br/>15 correspondence that he received from Julian<br/>16 McPhillips and then I can answer the<br/>17 question?</p> <p>18 Q. I don't have the letter, but I<br/>19 have got what was in it.</p> <p>20 A. Well, I think I told you earlier<br/>21 that when I spoke to Mr. McPhillips and<br/>22 explained to him what was going on, he<br/>23 advised me to leave AUM. Now, I did what he<br/>24 told me to do. And if it were the 9th, I<br/>25 took his advice.</p> | <p style="text-align: right;">Page 237</p> <p>1 MS. RODGERS: Object to form.<br/>2 THE WITNESS: I don't have a<br/>3 calendar to refer to. I really don't know.<br/>4 MR. DODD: Okay.<br/>5 (Two-page e-mail, dated February<br/>6 11, 2005, from Cynthia Ellison to Bayo Lawal,<br/>7 marked as Defendant's Exhibit-14)<br/>8 THE WITNESS: Yes, sir.<br/>9 MR. DODD: Q. What is that?<br/>10 A. This is my e-mail to Dr. Lawal, as<br/>11 we discussed earlier, saying that I would<br/>12 work through the 25th if I got -- if I was<br/>13 provided Campus Police security.<br/>14 Q. You say if Campus security<br/>15 patrolled at least once a day?<br/>16 A. Right.<br/>17 Q. Now, did you receive any<br/>18 confirmation that the Campus Police would do<br/>19 that?<br/>20 A. There were e-mails from Bayo to<br/>21 Ritvo. I believe they requested that they<br/>22 walk-through.<br/>23 MR. DODD: Exhibit 15.<br/>24 (Two-page document, dated February<br/>25 7, 2005, entitled Application for Retirement,</p>              |

Cynthia Ellison

April 27, 2006

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| <p style="text-align: right;">Page 238</p> <p>1       marked as Defendant's Exhibit-15)</p> <p>2       MR. DODD: Q. Can you tell me</p> <p>3       what that is?</p> <p>4       A. Application for Retirement. It's</p> <p>5       my Application for Retirement.</p> <p>6       Q. Do you remember when you completed</p> <p>7       that?</p> <p>8       A. It's dated on 2-7-05.</p> <p>9       Q. That's your direct deposit</p> <p>10      authorization for the Retirement Systems of</p> <p>11      Alabama?</p> <p>12      A. Uh-huh.</p> <p>13      Q. Does that refresh your recollection</p> <p>14      at all as to when you decided to go ahead</p> <p>15      and retire?</p> <p>16      A. Not completely. Because I was in</p> <p>17      contact with HR because I really didn't know</p> <p>18      what to do about paperwork or anything. I</p> <p>19      would have to know when I talked to Mr.</p> <p>20      McPhillips. If I talked to Mr. McPhillips</p> <p>21      around that time, I don't know.</p> <p>22      Q. Do you know of any reason why you</p> <p>23      would authorize a direct deposit for your</p> <p>24      retirement income as of February 7th if you</p> <p>25      hadn't decided to retire?</p> | <p style="text-align: right;">Page 240</p> <p>1       morning.</p> <p>2       Q. Have you ever had any communication</p> <p>3       with him?</p> <p>4       A. No.</p> <p>5       Q. Have you ever inventoried items you</p> <p>6       shredded?</p> <p>7       A. I have not.</p> <p>8       Q. And you had never sought his prior</p> <p>9       approval before shredding, have you?</p> <p>10      A. No, I had not.</p> <p>11      Q. You responded to this e-mail, did</p> <p>12      you not?</p> <p>13      A. I did.</p> <p>14      MR. DODD: Here is 17.</p> <p>15      (Two-page e-mail, dated February</p> <p>16      14, 2005, from Cynthia Ellison to Bayo Lawal,</p> <p>17      marked as Defendant's Exhibit-17)</p> <p>18      MR. DODD: Q. See if you can</p> <p>19      identify that.</p> <p>20      A. Yes, I recognize this. It's an</p> <p>21      e-mail I sent to Dr. Lawal in response to</p> <p>22      his e-mail to me about the shredding.</p> <p>23      Q. You sent it Monday morning at 8:07</p> <p>24      a.m.?</p> <p>25      A. Yes. That's what's on there.</p>                                                                                                                  |
| <p style="text-align: right;">Page 239</p> <p>1       A. I was acting off of the advice of</p> <p>2       my Counsel. He is the one that told me.</p> <p>3       Q. To retire?</p> <p>4       A. Yes.</p> <p>5       MR. DODD: Here is No. 16.</p> <p>6       (One-page e-mail, dated February</p> <p>7       12, 2005, from Bayo Lawal to Cynthia Ellison,</p> <p>8       marked as Defendant's Exhibit-16)</p> <p>9       MR. DODD: Q. Take a look,</p> <p>10      please.</p> <p>11      A. Yes.</p> <p>12      Q. What is that?</p> <p>13      A. This is the e-mail from Dr. Lawal</p> <p>14      concerning the shredding.</p> <p>15      Q. He sent it to you on Saturday</p> <p>16      morning, February 12th, right?</p> <p>17      A. Yes.</p> <p>18      Q. Okay. You see his last sentence</p> <p>19      where he says, "I hope you kept a list of</p> <p>20      all the shredded documents and that this list</p> <p>21      was approved prior to shredding by the</p> <p>22      University Archivist Jason Kneip."</p> <p>23      A. Kneip, yes.</p> <p>24      Q. Do you know Jason Kneip?</p> <p>25      A. No, but I e-mailed him that Monday</p>                                                                             | <p style="text-align: right;">Page 241</p> <p>1       Q. You seem to question whether he</p> <p>2       thinks you are trustworthy or not, is that</p> <p>3       right?</p> <p>4       A. Yes.</p> <p>5       Q. Why do you raise that issue?</p> <p>6       A. Because he had never questioned</p> <p>7       anything that I had done.</p> <p>8       Q. Had he ever been confronted with</p> <p>9       the quantity of shredding that you and your</p> <p>10      helpers had done the previous Friday?</p> <p>11      A. Had I been confronted by him?</p> <p>12      Q. Did he --</p> <p>13      A. Had he, Dr. Lawal, been confronted</p> <p>14      by whom?</p> <p>15      Q. Had he ever observed shredding of</p> <p>16      the magnitude that you and the student</p> <p>17      workers had done the previous Friday?</p> <p>18      MS. RODGERS: Object to form.</p> <p>19      MR. DODD: Q. To your knowledge.</p> <p>20      A. I don't know. There was quite a</p> <p>21      few time sheets and payroll files that were</p> <p>22      shredded.</p> <p>23      Q. Did you know that you were</p> <p>24      supposed to seek prior approval and make</p> <p>25      inventories of that stuff?</p> |

Cynthia Ellison

April 27, 2006

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| <p style="text-align: right;">Page 242</p> <p>1      A. We probably received that. I know<br/>2      I did probably receive that, but I had never<br/>3      done it before.</p> <p>4      Q. Why did you suggest that Monday,<br/>5      February 14th should be your last day?</p> <p>6      MS. RODGERS: Object to form<br/>7      again.</p> <p>8      THE WITNESS: I think we have<br/>9      already gone over what happened on the 14th.<br/>10     Dr. Lawal's behavior and I was being<br/>11     continually subjected to an unsafe environment.</p> <p>12     MR. DODD: Q. In this e-mail you<br/>13     refer to lack of trust, right, as a reason<br/>14     why you shouldn't stay any longer?</p> <p>15     MS. RODGERS: Object to form.</p> <p>16     THE WITNESS: That was part of the<br/>17     reason.</p> <p>18     MR. DODD: Q. Is there any other<br/>19     reason expressed in No. 17?</p> <p>20     A. Not in this letter e-mail.</p> <p>21     MR. DODD: Here is No. 18.<br/>(One-page e-mail, dated February<br/>23     14, 2004, from Cynthia Ellison to Jason Kneip<br/>24     and Bayo Lawal, marked as Defendant's Exhibit-<br/>25     18)</p> | <p style="text-align: right;">Page 244</p> <p>1      this e-mail?</p> <p>2      A. Yes. I do think I will stand for<br/>3      a minute.</p> <p>4      MR. DODD: Q. Here is No. 20.<br/>(One-page document, dated February<br/>5      14, 2005, from Roger A. Ritvo, Ph.D. to<br/>6      Cynthia Ellison, with carbon copies, marked as<br/>7      Defendant's Exhibit-20)</p> <p>8      MR. DODD: Q. Ms. Ellison, do<br/>9      you recognize that?</p> <p>10     A. Yes, I received the request about<br/>11     Campus Police. He said that "They do indeed<br/>12     go through Goodwyn Hall on a regular basis,<br/>13     hopefully three times a day." And I received<br/>14     that on the 14th.</p> <p>15     Q. Had you sought confirmation from<br/>16     Bayo Lawal or Roger Ritvo about the frequency<br/>17     with which the police go through Goodwyn<br/>18     Hall?</p> <p>19     A. I just asked for security. I<br/>20     didn't get into that.</p> <p>21     Q. You did say, though, that would<br/>22     stay on and they would go through once a<br/>23     day?</p> <p>24     A. I think that was in an e-mail. I</p>                                 |
| <p style="text-align: right;">Page 243</p> <p>1      MR. DODD: Q. Tell me what that<br/>2      is, if you can, please.</p> <p>3      A. This is an e-mail to Jason Kneip<br/>4      about the shredding that I had done. Dr.<br/>5      Lawal requested that I send him an e-mail and<br/>6      let him know what I had shredded.</p> <p>7      Q. Did Dr. Lawal tell you that<br/>8      orally?</p> <p>9      A. Yes.</p> <p>10     Q. Is this the same day where he said<br/>11     that he only wanted to communicate with you<br/>12     by e-mail?</p> <p>13     A. Right.</p> <p>14     MR. DODD: Here is 19.<br/>(One-page e-mail, dated February<br/>16     14, 2005, from Jason Kneip to Cynthia Ellison<br/>17     and Bayo Lawal, marked as Defendant's Exhibit-<br/>18     19)</p> <p>19     MR. DODD: Q. Tell me what that<br/>20     is, please.</p> <p>21     A. Yes. This is from Jason Kneip<br/>22     telling me that if I shred anything to submit<br/>23     a list.</p> <p>24     Q. Did you understand that was the<br/>25     policy of the University once you received</p>                                                                         | <p style="text-align: right;">Page 245</p> <p>1      would like to say that it took them from the<br/>2      time I requested it through February 14th to<br/>3      comply.</p> <p>4      (One-page memorandum, dated February<br/>5      14, 2005, from Cynthia Ellison to Bayo Lawal,<br/>6      marked as Defendant's Exhibit-21)</p> <p>7      MR. DODD: Q. Exhibit 21.</p> <p>8      A. Yes. This is an e-mail I left<br/>9      with the attachment for Bayo for my leave<br/>10     that would pay me up through the end of<br/>11     March.</p> <p>12     Q. The leave slips and time sheets<br/>13     referred to are yours going forward, right?</p> <p>14     A. That's correct.</p> <p>15     Q. You concluded by saying, "I can no<br/>16     longer handle the retaliation that I am under<br/>17     from Chris, others, and now you."</p> <p>18     A. Right.</p> <p>19     Q. Who are the "others"?</p> <p>20     A. I was referring to Debra Foster,<br/>21     Chris Mahaffy, Ritvo. The ones I felt had<br/>22     retaliated against me.</p> <p>23     Q. For filing a complaint?</p> <p>24     A. Yes.</p> <p>25     (One-page document, dated February</p> |

Cynthia Ellison

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|    | Page 246                                                                                                 | Page 248 |
|----|----------------------------------------------------------------------------------------------------------|----------|
| 1  | 15, 2005, from Ms. Cynthia Ellison to Bayo                                                               | 1        |
| 2  | Lawal, marked as Defendant's Exhibit-22)                                                                 | 2        |
| 3  | MR. DODD: Here is 22.                                                                                    | 3        |
| 4  | Q. Can you identify that?                                                                                | 4        |
| 5  | A. Yes.                                                                                                  | 5        |
| 6  | Q. Did you receive that?                                                                                 | 6        |
| 7  | A. I did.                                                                                                | 7        |
| 8  | Q. Did you ever return the three tape                                                                    | 8        |
| 9  | recorded Chair meetings -- strike that,                                                                  | 9        |
| 10 | please.                                                                                                  | 10       |
| 11 | Did you ever submit the tapes of                                                                         | 11       |
| 12 | the three Chairs meetings?                                                                               | 12       |
| 13 | A. I never -- it never left the                                                                          | 13       |
| 14 | office.                                                                                                  | 14       |
| 15 | Q. It's still there?                                                                                     | 15       |
| 16 | A. As far as I know.                                                                                     | 16       |
| 17 | Q. Has Auburn University Montgomery                                                                      | 17       |
| 18 | discriminated against you in any fashion other                                                           | 18       |
| 19 | than what we have discussed today?                                                                       | 19       |
| 20 | A. No.                                                                                                   | 20       |
| 21 | Q. Have you understood all of my                                                                         | 21       |
| 22 | questions today that you have answered?                                                                  | 22       |
| 23 | A. Yes. I think to the best of my                                                                        | 23       |
| 24 | knowledge.                                                                                               | 24       |
| 25 | Q. And to the best of your ability,                                                                      | 25       |
|    |                                                                                                          | .        |
|    | Page 247                                                                                                 | Page 249 |
| 1  | you answered my questions fully?                                                                         | 1        |
| 2  | A. To the best of my ability.                                                                            | 2        |
| 3  | Q. Do you wish to change anything?                                                                       | 3        |
| 4  | A. I can't remember back to 8:00                                                                         | 4        |
| 5  | o'clock or 9:00 o'clock this morning. Right                                                              | 5        |
| 6  | now at this time, no.                                                                                    | 6        |
| 7  | Q. Do you wish to add anything, or                                                                       | 7        |
| 8  | tell me anything you think I should know                                                                 | 8        |
| 9  | about this case?                                                                                         | 9        |
| 10 | A. No. I can't think of anything                                                                         | 10       |
| 11 | else right now.                                                                                          | 11       |
| 12 | MR. DODD: Thank you for your                                                                             | 12       |
| 13 | time.                                                                                                    | 13       |
| 14 | THE WITNESS: Thank you.                                                                                  | 14       |
| 15 | (Whereupon, the proceedings                                                                              | 15       |
| 16 | adjourned at 4:45 o'clock p.m.)                                                                          | 16       |
| 17 | .                                                                                                        | 17       |
| 18 | .                                                                                                        | 18       |
| 19 | .                                                                                                        | 19       |
| 20 | .                                                                                                        | 20       |
| 21 | .                                                                                                        | 21       |
| 22 | .                                                                                                        | 22       |
| 23 | .                                                                                                        | 23       |
| 24 | .                                                                                                        | 24       |
| 25 | .                                                                                                        | 25       |
|    |                                                                                                          | .        |
|    | DESCRIPTION OF DEFENDANTS EXHIBITS                                                                       |          |
|    | EXHIBIT DESCRIPTION                                                                                      |          |
|    | 1 Multi-page document, first page undated, entitled Charge of Discrimination                             |          |
|    | 2 Three-page document, dated February 25, 2004, e-mail from Cynthia Ellison to Joe Hill                  |          |
|    | 3 One-page letter, dated March 1, 2004, letter from Cynthia Ellison to Guin Nance                        |          |
|    | 4 One-page letter, dated March 2, 2004, from Guin A. Nance to Ms. Cynthia Ellison                        |          |
|    | 5 One-page letter, dated March 22, 2004, from Debra S. Foster to Ms. Cynthia Ellison and Allison Stevens |          |
|    | 6 Five-page document, dated March 31, 2004, from Cynthia Ellison to Dr. Guin Nance                       |          |
|    | 7 One-page letter, dated April 5, 2004, from Guin A. Nance to Ms. Cynthia Ellison                        |          |
|    | 8 One-page letter, dated April 29, 2004, from Debra S. Foster to Cynthia Ellison                         |          |
|    | .                                                                                                        |          |
|    | DESCRIPTION OF DEFENDANTS EXHIBITS (CONT.)                                                               |          |
|    | EXHIBIT DESCRIPTION                                                                                      |          |
|    | 9 One-page memorandum, dated December 2, 2004, from Debra S. Foster to Cynthia Ellison                   |          |
|    | 10 One-page memorandum, dated December 7, 2004, from Cynthia Ellison to Dr. Bayo Lawal                   |          |
|    | 11 One-page letter, dated February 4, 2005, from Debra S. Foster to Ms. Cynthia Ellison                  |          |
|    | 12 Two-page letter, dated February 9, 2005, Roger A. Ritvo, Ph.D. to Ms. Cynthia Ellison                 |          |
|    | 13 One-page letter, dated February 9, 2005, from Bayo H. Lawal, Ph.D. to Ms. Cynthia Ellison             |          |
|    | 14 Two-page e-mail, dated February 11, 2005, from Cynthia Ellison to Bayo Lawal                          |          |
|    | 15 Two-page document, dated February 7, 2005, entitled Application for Retirement                        |          |
|    | .                                                                                                        |          |

Cynthia Ellison

April 27, 2006

|    |                                                   |    |                                                     |
|----|---------------------------------------------------|----|-----------------------------------------------------|
|    | Page 250                                          |    | Page 252                                            |
| 1  | <i>DESCRIPTION OF DEFENDANTS EXHIBITS (CONT.)</i> | 1  | <i>CAPTION</i>                                      |
| 2  | <i>EXHIBIT DESCRIPTION</i>                        | 2  | <i>The Deposition of Cynthia Ellison,</i>           |
| 3  | 16 One-page e-mail, dated February 12,            | 3  | <i>taken in the matter, on the date, and at the</i> |
| 4  | 2005, from Bayo Lawal to Cynthia                  | 4  | <i>time and place set out on the title page</i>     |
| 5  | Ellison                                           | 5  | <i>hereof.</i>                                      |
| 6  | 17 Two-page e-mail, dated February 14,            | 6  | <i>It was requested that the deposition</i>         |
| 7  | 2005, from Cynthia Ellison to Bayo                | 7  | <i>be taken by the reporter and that same be</i>    |
| 8  | Lawal                                             | 8  | <i>reduced to typewritten form.</i>                 |
| 9  | 18 One-page e-mail, dated February 14,            | 9  | <i>It was agreed by and between counsel</i>         |
| 10 | 2004, from Cynthia Ellison to Jason               | 10 | <i>and the parties that the Deponent will read</i>  |
| 11 | Kneip and Bayo Lawal                              | 11 | <i>and sign the transcript of said deposition.</i>  |
| 12 | 19 One-page e-mail, dated February 14,            | 12 | .                                                   |
| 13 | 2005, from Jason Kneip to Cynthia                 | 13 | .                                                   |
| 14 | Ellison and Bayo Lawal                            | 14 | .                                                   |
| 15 | 20 One-page document, dated February 14,          | 15 | .                                                   |
| 16 | 2005, from Roger A. Ritvo, Ph.D. to               | 16 | .                                                   |
| 17 | Cynthia Ellison, with carbon copies               | 17 | .                                                   |
| 18 | 21 One-page memorandum, dated February 14,        | 18 | .                                                   |
| 19 | 2005, from Cynthia Ellison to Bayo                | 19 | .                                                   |
| 20 | Lawal                                             | 20 | .                                                   |
| 21 | 22 One-page document, dated February 15,          | 21 | .                                                   |
| 22 | 2005, from Ms. Cynthia Ellison to Bayo            | 22 | .                                                   |
| 23 | Lawal                                             | 23 | .                                                   |
| 24 | .                                                 | 24 | .                                                   |
| 25 | .                                                 | 25 | .                                                   |
|    | Page 251                                          |    | Page 253                                            |
| 1  | <i>CERTIFICATE OF COURT REPORTER.</i>             | 1  | <i>CERTIFICATE</i>                                  |
| 2  | I, DAWN A. GOODMAN, do hereby                     | 2  | <i>STATE OF :</i>                                   |
| 3  | certify;                                          | 3  | <i>COUNTY/CITY OF :</i>                             |
| 4  | That I am a Certified Shorthand                   | 4  | Before me, this day, personally                     |
| 5  | Reporter of the State of Alabama;                 | 5  | appeared, Cynthia Ellison, who, being duly          |
| 6  | That the foregoing pages are a                    | 6  | sworn, states that the foregoing transcript         |
| 7  | true and correct transcript of the Deposition     | 7  | of his/her Deposition, taken in the matter,         |
| 8  | of Cynthia Ellison;                               | 8  | on the date, and at the time and place set          |
| 9  | I further certify that I am not                   | 9  | out on the title page hereof, constitutes a         |
| 10 | interested in the outcome of said matter nor      | 10 | true and accurate transcript of said                |
| 11 | connected with or related to any of the           | 11 | deposition.                                         |
| 12 | parties of said matter or to their respective     | 12 |                                                     |
| 13 | Counsel.                                          | 13 | Cynthia Ellison                                     |
| 14 | Dated this 8th day of May, 2006,                  | 14 |                                                     |
| 15 | at Prattville, Alabama.                           | 15 | SUBSCRIBED and SWORN to before me this              |
| 16 | .                                                 | 16 | day of , 2006 in the                                |
| 17 |                                                   | 17 | jurisdiction aforesaid.                             |
| 18 | DAWN A. GOODMAN, CSR                              | 18 |                                                     |
| 19 | State of Alabama                                  | 19 | My Commission Expires Notary Public                 |
| 20 | .                                                 | 20 |                                                     |
| 21 | .                                                 | 21 | No changes made to the Errata Sheet;                |
| 22 | .                                                 | 22 | therefore, I am returning only this signed,         |
| 23 | .                                                 | 23 | notarized certificate.                              |
| 24 | .                                                 | 24 | I am returning this signed, notarized               |
| 25 | .                                                 | 25 | certificate and Errata Sheet with changes noted.    |

Cynthia Ellison

April 27, 2006

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 254</p> <p>1                   <b>DEPOSITION ERRATA SHEET</b></p> <p>2</p> <p>3     RE:     <i>Alexander Gallo &amp; Associates</i></p> <p>4     File No.   <i>13898</i></p> <p>5     Case Caption:   <i>Cynthia Ellison vs. Auburn</i></p> <p>6               <i>University Montgomery</i></p> <p>7</p> <p>8     <i>Deponent: Cynthia Ellison</i></p> <p>9     <i>Deposition Date: April 27, 2006</i></p> <p>10</p> <p>11    <i>To the Reporter:</i></p> <p>12    <i>I have read the entire transcript of my</i></p> <p>13    <i>Deposition taken in the captioned matter or</i></p> <p>14    <i>the same has been read to me. I request</i></p> <p>15    <i>that the following changes be entered upon</i></p> <p>16    <i>the record for the reasons indicated. I</i></p> <p>17    <i>have signed my name to the Errata Sheet and</i></p> <p>18    <i>the appropriate Certificate and authorize you</i></p> <p>19    <i>to attach both to the original transcript.</i></p> <p>20</p> <p>21    <i>Page No. Line No. Change to:</i></p> <p>22</p> <p>23    <i>Reason for change:</i></p> <p>24    <i>Page No. Line No. Change to:</i></p> <p>25</p> | <p style="text-align: right;">Page 256</p> <p>1</p> <p>2     <i>Reason for change:</i></p> <p>3     <i>Page No. Line No. Change to:</i></p> <p>4</p> <p>5     <i>Reason for change:</i></p> <p>6     <i>.</i></p> <p>7     <i>.</i></p> <p>8     <i>SIGNATURE: _____ DATE: _____</i></p> <p>9     <i>Cynthia Ellison</i></p> |
| <p style="text-align: right;">Page 255</p> <p>1     <i>Reason for change:</i></p> <p>2     <i>Page No. Line No. Change to:</i></p> <p>3</p> <p>4     <i>Reason for change:</i></p> <p>5     <i>Page No. Line No. Change to:</i></p> <p>6</p> <p>7     <i>Reason for change:</i></p> <p>8     <i>Page No. Line No. Change to:</i></p> <p>9</p> <p>10    <i>Reason for change:</i></p> <p>11    <i>Deposition of Cynthia Ellison</i></p> <p>12</p> <p>13    <i>Page No. Line No. Change to:</i></p> <p>14</p> <p>15    <i>Reason for change:</i></p> <p>16    <i>Page No. Line No. Change to:</i></p> <p>17</p> <p>18    <i>Reason for change:</i></p> <p>19    <i>Page No. Line No. Change to:</i></p> <p>20</p> <p>21    <i>Reason for change:</i></p> <p>22    <i>Page No. Line No. Change to:</i></p> <p>23</p> <p>24    <i>Reason for change:</i></p> <p>25    <i>Page No. Line No. Change to:</i></p>                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                              |